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RULES OF PRACTICE AND PROCEDURE

OF THE

NATIONAL ENERGY BOARD

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NEB RULES OF PRACTICE AND PROCEDURE

Whereas the Board desires to replace the National Energy Board Rules of Practice and Procedure with new rules of practice and procedure; and

Whereas the Board desires, through its procedures, that matters which come before the Board are disposed of with regard to the requirements of fairness and natural justice, with reasonable expedition, and without unnecessary delays;

Therefore, the National Energy Board, pursuant to section 7 of the National Energy Board Act, hereby revokes the National Energy Board Rules of Practice and Procedure and makes the annexed Rules of Practice and Procedure of the National Energy Board effective

RULES OF PRACTICE AND PROCEDURE OF THE NATIONAL ENERGY BOARD

Short Title

1. These Rules may be cited as the NEB Rules of Practice and Procedure.

Interpretation

2. In these Rules,

"Act" means the National Energy Board Act; (Loi)

"affidavit" includes a written affirmation; (affidavit)

"application" means any application to the Board under the Act or the regulations and includes a complaint; (demande)

"Board" means the National Energy Board; (Office)

"complaint" means a complaint made to the Board alleging anything to have been done or omitted to be done in contravention or violation of the provisions of the Act or the regulations; (plainte)

"Hearing Process Officer" means a person authorized by the Secretary to act on behalf of the Secretary at a public hearing; (agent d'audience)

"information request" means any request in writing for information or particulars made to a party in a proceeding; (demande de renseignements)

"intervenor" includes a person who files an answer pursuant to subsection 27(2); (intervenant)

"original proceeding" means,

(a) in respect of an application for a review pursuant to subsection 17(1) of the Act, the proceeding giving rise to the order or decision in respect of which a review is sought; and

(b) in respect of an application for a rehearing of an application pursuant to subsection 17(1) of the Act, the proceeding commenced by the application in respect of which a rehearing is sought; (instance initiale)

"party" means an applicant and an intervenor; (partie)

"proceeding" means any proceeding before the Board under the Act or the regulations; (instance)

"regulations" means any regulations made under the Act; (règlement)

"Secretary" means the Secretary to the Board and anyone authorized by the Secretary to act on his behalf. (Secrétaire)

Application of Rules

3. (1) Subject to subsection (2) and section 4, these Rules apply to every proceeding.

(2) These Rules do not apply to any proceeding commenced by an application for leave to open a pipeline or section thereof under section 38 of the Act, to any proceeding commenced by an application under the National Energy Board Substituted Service Regulations, or to any proceeding under Part II of the Act.

Extension of Rules

4. The Board may direct by public notice, order or other appropriate means that these Rules or any of them shall apply mutatis mutandis to any proceeding to which these Rules would not otherwise apply.

PART I

GENERAL

Dispensing with Procedure

5. In any proceeding, the Board may dispense with, vary or supplement any of the provisions of these Rules.

Directions on Procedure

6. In any proceeding, the Board may issue directions on procedure which shall govern the conduct of the proceeding and prevail over any provision of these Rules that is inconsistent with those directions.

Extending or Abridging Time

7. The Board may extend or abridge the time prescribed by these Rules or otherwise prescribed by the Board and this power may be exercised although the application is not made until after the expiration of the time prescribed.

Service

8. (1) Subject to subsection (2), service of any notice or other document, including a document originated by the Board, may be effected by any means.

(2) Where a public hearing is in progress, service of any document may be effected

(a) by making copies of the document available to parties present at the public hearing; and

(b) serving a copy on any party who

(i) has not received a copy of the document, and

(ii) requests a copy.

(3) Any document required to be served shall show the names of the persons upon whom it is required to be served or shall otherwise indicate the persons upon whom it is required to be served.

(4) Where any document is required to be served, the date of service shall be the date of actual receipt by the person upon whom the document is required to be served.

(5) Subject to section 25, proof by affidavit of the means taken to effect service shall, at the request of the Board, be filed with the Secretary in respect of any document required to be served.

Filing

9. (1) Where any document is required to be filed, the date of filing shall be the date of actual receipt by the Secretary or anyone authorized by the Secretary to receive such documents.

(2) Where a public hearing is in progress, any document which is required to be filed with the Secretary shall be filed with the Hearing Process Officer present at the hearing.

Affidavits

10. (1) Affidavits in proceedings before the Board shall be filed with the Secretary.

(2) Where an affidavit is made as to belief, the grounds on which the belief is based shall be set out in the affidavit.

Verification

11. (1) The Board may, at any time, require the whole or any part of any document filed with the Board to be verified by affidavit by giving a notice to that effect to the person from whom such verification is required.

(2) Unless the Board otherwise directs, if a notice given under subsection (1) is not complied with, the document in question shall be set aside or any part thereof not verified in accordance with the notice shall be struck out.

Failure to Comply

12. Where a party to a proceeding has not complied with any requirement of these Rules or any direction on procedure issued by the Board, the Board may stay the proceeding until satisfied that such requirement has been complied with or take such other steps as it considers just and reasonable.

Formulation of Issues

13. In any proceeding,

(a) where the documents filed with the Board do not sufficiently raise the matters in issue in the proceeding;

(b) where it would assist the Board in the conduct of the proceeding; or

(c) where it would assist parties to participate more effectively in the proceeding;

the Board may formulate issues which shall be considered by it in the proceeding and, for this purpose, may direct parties to propose issues which, if not agreed to by all the parties, shall be settled by the Board.

Questions of Law

14. If it appears to the Board at any time that there is a question or issue of law, of jurisdiction or of practice or procedure that should be decided before a proceeding is continued, the Board may

(a) direct the question or issue to be raised for a determination by the Board; or

(b) direct the question or issue to be referred to the Federal Court of Appeal for decision;

and the Board may, pending the determination of such question, order the whole or part of the proceeding to be stayed.

Conference

15. The Board may convene a conference with parties, or may direct parties to make submissions in writing, for the purpose of formulating issues and considering

- (a) the simplification of issues;
- (b) the necessity or desirability of amending an application, answer, intervention or reply for the purpose of clarification, amplification or limitation;
- (c) the admission of certain facts or the proof of them by affidavit, or the use by any party of documents of a public nature;
- (d) the settling of matters connected with information requests;
- (e) the procedures to be adopted in the proceeding;
- (f) the mutual exchange among the parties of documents and exhibits; and
- (g) any other matters that may aid in the simplification and disposition of the proceeding.

Production of Documents

16. (1) Where in any application, notice of motion, answer, intervention, reply, or response to an information request a party refers to a document which the party intends to rely on in the proceeding, any party to the proceeding may request that the document be produced for inspection and copying by the party making the request or may, subject to payment of the reasonable costs of reproduction, request a copy of the document.

(2) Any party who fails to comply with a request given to him pursuant to subsection (1) within 10 days from the receipt thereof shall not thereafter be at liberty to put the requested document in evidence on his behalf in the proceeding, unless he satisfies the Board that he had sufficient excuse for his default.

Additional Information

17. At any time in any proceeding, the Board may require any party to provide such further information, particulars or documents as the Board deems necessary to enable the Board to obtain a full and satisfactory understanding of the subject-matter of the proceeding.

Information Requests

18. (1) Where in these Rules or in any direction on procedure issued by the Board information requests are permitted to be directed to a party, such information requests shall be

(a) addressed to the party;

(b) numbered consecutively in respect of each item of information requested; and

(c) served, where the Board has directed a time limit, within the time limit directed by the Board.

(2) A copy of any information requests directed to a party pursuant to subsection (1) shall be filed with the Secretary and served on all parties to the proceeding.

Responses to Information Requests

19. (1) Subject to subsection (2), where in these Rules or in any direction on procedure issued by the Board information requests are permitted to be directed to a party and information requests have been served on the party, the party shall

(a) subject to any time limit which the Board may direct, provide a full and adequate response to each information request on a separate page or pages; and

(b) file with the Secretary and serve on all parties to the proceeding a copy of the responses.

(2) Subject to any time limit which the Board may direct, a party who is unable or unwilling to provide a full and adequate response to an information request shall

(a) where the party objects to providing the information requested, provide a response stating the objection and setting out the grounds therefor; or

(b) where the party contends that the information necessary to provide a response is not available, provide a response that sets out the reasons for the unavailability of such information and provide alternative available information that the party considers would be of assistance to the person directing the information request; and

(c) file with the Secretary and serve on all parties to the proceeding a copy of the response provided.

Subpoenas

20. (1) A subpoena may be obtained by a party on request from the Secretary, shall be signed by the Secretary and sealed by the Secretary with the Board's seal and may be served by the party in any part of Canada.

(2) A subpoena shall be in Form 1 of Schedule I and may be issued in blank, may be completed by the solicitor or party on whose behalf it is issued and may contain the names of any number of persons required to appear before the Board.

(3) No one served by a party with a subpoena is required to appear before the Board pursuant to such subpoena unless there has been paid or tendered to him conduct money in an amount sufficient for his reasonable fees and travelling expenses, if any.

Evidence in Other Proceedings

21. Subject to subsection 29(6), in any proceeding, information or evidence received

(a) in another proceeding before the Board; or

(b) by any board, commission or tribunal of a province, a territory, or Canada;

or any report, finding or order made in respect thereof may, by leave of the Board, be received in the proceeding.

Form of Documents

22. (1) Every document filed with the Board in connection with any proceeding shall be endorsed with the Board file number, Hearing Order number and a short phrase summarizing the nature of the proceeding, for example, "XYZ Company, 1986 Operating and Maintenance Budget".

(2) Where any application, intervention or other document or part thereof made or submitted by any party in connection with any proceeding is revised or amended,

(a) each revised or amended page shall

(i) indicate the date of revision or amendment; and

(ii) indicate the portion of the page revised or amended with a vertical line in the right-hand margin opposite to the revision or amendment, with an asterisk, or with other similar markings; and

(b) each revision or amendment shall be accompanied by a statement explaining the nature of the amendment or revision.

Amendments

23. In any proceeding, the Board may, on condition or otherwise,

(a) allow any amendment to any document;

(b) order to be amended or struck out any document or any part thereof that may tend to prejudice, embarrass or delay a fair hearing of an application on the merits; or

(c) order any other amendment as may be necessary for the purpose of hearing and determining the real question in issue in the proceeding.

Notice of Motion

24. (1) Any matter which arises in the course of a proceeding and which requires a decision or order of the Board shall be brought before the Board by notice of motion.

(2) A notice of motion shall be in writing and may be in any form provided that it contains a clear and concise statement of the facts, the order or decision sought and the grounds therefor.

(3) A notice of motion shall be filed with the Secretary and served upon all parties to the proceeding.

(4) Unless the Board otherwise directs, the motion shall be disposed of in writing.

(5) Any party who wishes to answer the motion shall file with the Secretary and serve on all parties to the proceeding, within 10 days of receipt of the notice of motion, a written answer.

(6) The party bringing the motion may, where he has been served with an answer, file with the Secretary and serve on all parties to the proceeding, within 5 days of receipt of the answer, a written reply.

(7) Any document which a party may wish to submit in support of a notice of motion, answer, or reply shall accompany the pleading in question and shall be filed with the Secretary and served upon all parties to the proceeding.

(8) Notwithstanding subsections (2) to (7), a notice of motion given during the course of a public hearing may be given orally at the public hearing and shall be disposed of in accordance with such procedure as the panel of the Board conducting the public hearing may direct.

Publication

25. (1) Where the Board issues a public notice, the applicant shall

(a) forthwith publish the public notice in all publications specified by the Board; and

(b) forthwith serve a copy of the public notice upon such persons as the Board may direct.

(2) The applicant shall file with the Secretary proof by affidavit of publication pursuant to paragraph (1)(a) and of the means taken to effect service pursuant to paragraph (1)(b).

Contempt

26. Any person who is in contempt of the Board in the presence of a Board member conducting a public hearing may, after he has been called upon to explain his behavior, be dealt with as the Board may direct.

PART II

APPLICATIONS

Application in Writing

27. (1) Subject to section 24 and Part V, an application shall be in writing addressed to the Secretary and signed by the applicant or his authorized representative.

(2) A complaint shall be served on any person whose conduct is the subject of the complaint and such person may, within 20 days of receipt of the complaint, submit a written statement containing his answer.

(3) An answer shall be accompanied by any document which the party may wish to submit in support of the answer and shall be filed with the Secretary and served on the applicant.

Contents of Application

28. Every application shall

(a) contain a concise statement of the facts relevant to the application, the provisions of the Act or regulations under which it is made and the nature of the order or decision applied for and its purpose;

(b) be divided into consecutively numbered paragraphs, each of which shall be confined as nearly as may be practicable to a separate and distinct portion of the subject of the application; and

(c) state the name, address, telephone number and other telecommunications numbers of the applicant or of the authorized representative of the applicant to whom communications may be sent and upon whom documents may be served.

Information Requirements

29. (1) Unless the Board otherwise directs, every application identified in Column I of Table I of Schedule II shall be accompanied by the information specified in the Part or Parts of Schedule II identified in Column II of Table I of Schedule II

(2) Every application shall, in addition to the information required by subsection (1), be accompanied by any information which is required by the Act or the regulations to be submitted to the Board or which may be useful in explaining or supporting the application.

(3) Where an applicant is unable to submit in company with his application any information required by subsections (1) and (2), he shall submit with the application such information as is available at that time and shall state the time at which he intends to submit the balance of the information required.

(4) Where an applicant is unwilling to submit any information required by subsections (1) and (2) on the ground that the information is not relevant to the application, he may submit the application without the information to which objection is taken but the application shall then be accompanied, in addition to the information required by subsections (1) and (2) to which no objection is taken, by a statement setting out the objection and the grounds therefor.

(5) Where the Board does not sustain an objection taken pursuant to subsection (4), the Board shall so inform the applicant and the applicant shall submit the information in respect of which the objection has not been sustained.

(6) Where any information required by subsections (1) and (2) to be submitted to the Board is already in the possession of the Board, the applicant may submit the application without such information but the application shall then be accompanied by a statement identifying the information and the circumstances under which it came into the possession of the Board.

PART III

PUBLIC HEARINGS

Directions on Procedure

30. Directions on procedure issued by the Board under this Part shall be in Form 2 of Schedule I.

Public Notice

31. Where an application or any other matter is to be disposed of by means of a public hearing, the Board shall issue a public notice in Form 3 of Schedule I and the notice shall be served and published in accordance with section 25.

Interventions

32. (1) Where a public notice has been given pursuant to this Part, any interested person may intervene in respect of the proceeding by filing with the Secretary and serving on the applicant, if any, on or before the date prescribed, a written intervention that

(a) states clearly the intervenor's intention to appear at the public hearing;

(b) sets out the name, mailing address, address for personal service and telephone number or other telecommunications numbers of the intervenor or agent authorized to receive documents on his behalf;

(c) describes the nature of the intervenor's interest in the proceeding;

(d) subject to subsection (2), states clearly the issues which the intervenor intends to address at the public hearing or, where the intervenor does not intend to actively participate at the public hearing, states clearly the reasons why the intervenor's interest in the proceeding requires the intervention in respect of the proceeding; and

(e) indicates the official language in which the intervenor wishes to be heard at the public hearing.

(2) Where, by reason of an inability or insufficient time to study an application, an intervenor is unable to include in his written intervention the information required by paragraph (1)(d), the intervenor shall state this fact in his written intervention and shall, within 15 days of receipt of a copy of the application or 15 days of the filing of the written intervention, whichever is later, file with the Secretary and serve on the applicant a supplement to the written intervention containing the information required by paragraph (1)(d).

(3) An intervenor, upon being advised by the Secretary of the name and mailing address of any other intervenor, shall serve a copy of the written intervention and any supplement to the written intervention on such intervenor.

(4) The applicant and any other party may, within 15 days of receipt of a written intervention or 15 days of receipt of any supplement to the written intervention, whichever is later, serve a reply on the intervenor and shall file with the Secretary and serve on all parties to the proceeding a copy of the reply.

Letters of Comment

33. (1) Where a public notice has been given pursuant to this Part, any interested person who does not wish to intervene in respect of the proceeding but who wishes to make his views regarding the proceeding known to the Board may file with the Secretary and serve on the applicant, if any, on or before the date prescribed, a letter commenting on the application or the subject matter of the proceeding which describes the nature of the person's interest in the proceeding and states clearly his views regarding the proceeding together with any relevant information that may be useful in explaining or supporting those views.

(2) Subject to subsection (4), a person who files a letter pursuant to subsection (1) does not thereby acquire status as an intervenor and shall not be entitled to any further notice in the proceeding.

(3) The Secretary shall provide the parties to the proceeding with a copy of any letter filed pursuant to subsection (1).

(4) An applicant and any other party to the proceeding may, within 15 days of receipt of a letter referred to in subsection (1), serve a reply on the person who has filed the letter and shall file a copy of the reply with the Secretary and serve a copy of it on every party to the proceeding.

Information Requests

34. (1) Any party to the proceeding may address information requests to any other party to the proceeding in accordance with section 18.

(2) Where the Board has directed a time limit, additional information requests may be addressed after the date prescribed only with leave of the Board or with the consent of the party to whom the information requests are addressed.

Application File

35. Unless the Board otherwise directs, the applicant shall forthwith serve each intervenor with

- (a) a copy of the application;
- (b) any information required to be submitted to the Board pursuant to sections 17 and 29;
- (c) if requested to do so by the intervenor, a copy of any information not submitted to the Board pursuant to subsection 29(6); and
- (d) any directions on procedure issued by the Board.

Evidence at a Public Hearing

36. (1) Subject to subsections (5) and (6), in this section "written evidence" means the material

- (a) in written question and answer form with lines numbered; or
- (b) in written form with consecutively numbered paragraphs;

intended to be presented by a party as evidence at a public hearing.

(2) Subject to subsection (3), witnesses at a public hearing shall be examined viva voce on oath or affirmation.

(3) The Board may, at any time, order that

- (a) any particular facts be proved by affidavit;
- (b) the affidavit of any witness be read at a public hearing on such conditions as the Board thinks reasonable; and
- (c) any witness be examined before a commissioner or other person authorized to administer oaths appointed by the Board for that purpose.

(4) Subject to subsections (5) and (6), any party who wishes to present evidence at a public hearing shall, prior to the appearance of any witness and within any time limit prescribed by the Board, file written evidence with the Secretary and serve a copy of it on all parties to the proceeding.

(5) Where an intervenor files and serves written evidence pursuant to subsection (4), the written evidence of the intervenor shall be deemed to include any information provided by the intervenor in the intervenor's written intervention or in any response by the intervenor to an information request.

(6) The information contained in an application, the information submitted by an applicant to the Board pursuant to section 29, the information identified by the statement referred to in subsection 29(6) and any responses by the applicant to information requests shall be deemed to constitute the written evidence of the applicant and the applicant shall not, except by leave of the Board, be at liberty to submit additional written evidence.

(7) The Board may permit the introduction of written evidence at a public hearing as the evidence in chief of a witness who confirms that the written evidence was prepared by him or under his direction and control and is accurate to the best of his knowledge or belief.

(8) Where the Board has directed a time limit, written evidence supplementing the written evidence referred to in subsection (4) or the additional written evidence referred to in subsection (6) may be filed with the Secretary and served on all parties to the proceeding after the date prescribed only with leave of the Board.

Sittings

37. (1) Where a public hearing has commenced, the public hearing shall proceed, as far as may be practicable in the opinion of the Board, from day to day but may be adjourned by the Board from time to time.

(2) The Board may, whenever circumstances render it appropriate to hold a sitting elsewhere than in the National Capital Region, hold the sitting in any part of Canada.

Argument

38. The Board may order written argument to be submitted by the parties in addition to or in lieu of oral argument.

PART IV

OTHER PROCEDURES

Hearing Procedures

39. (1) Where the Board does not dispose of an application by way of a public hearing, the Board may

(a) dispose of the application on the basis of the written documentation before it;

(b) require further information to be furnished by the applicant; or

(c) invite submissions from interested persons and issue directions on procedure in Form 4 of Schedule I for that purpose.

(2) Where the Board invites submissions from interested persons pursuant to paragraph (1)(c), the Board may issue a public notice which shall be in Form 5 of Schedule I.

(3) Notwithstanding that the Board has invited submissions from interested persons pursuant to paragraph (1)(c), the Board may determine that the application shall be disposed of by means of a public hearing in which case the procedure prescribed in Part III shall apply.

(4) Submissions from any interested person shall be filed with the Secretary and served on the applicant in the form of a letter of intervention that describes the nature of the intervenor's interest in the application and clearly states his views regarding the application together with any relevant information that may be useful in explaining or supporting those views.

(5) The applicant may, where he has been served with a letter of intervention, file a reply with the Secretary and serve a copy of it on the intervenor.

(6) Written evidence introduced by a party as the evidence in chief of a witness shall be supported by the affidavit of the person who prepared the evidence or under whose direction or control it was prepared attesting that such evidence is accurate to the best of his knowledge or belief.

On-going Procedures

40. Where any decision or order of the Board in respect of any application contemplates that the decision or order will give rise to further proceedings before the Board, the Board may issue directions on procedure with respect to the disposition of such proceedings.

PART V

APPLICATIONS FOR REVIEW OR REHEARING

Applications

41. (1) An application for review or rehearing pursuant to subsection 17(1) of the Act shall be filed in writing with the Secretary.

(2) An application pursuant to subsection (1) shall contain a clear and concise statement of the facts, the nature of the order or decision applied for, and the grounds that the applicant considers sufficient

(a) in the case of an application for review, to raise a doubt as to the correctness of the order or decision including

- (i) any error of law or jurisdiction;
 - (ii) changed circumstances that have arisen since the issuance of the order or decision;
 - (iii) new facts that have arisen since the issuance of the order or decision; and
 - (iv) facts that were not placed in evidence in the original proceeding and that were not discoverable by reasonable diligence; and
- (b) in the case of an application for rehearing, to justify a rehearing including
- (i) any error of law or jurisdiction;
 - (ii) changed circumstances that have arisen since the original proceeding;
 - (iii) new facts that have arisen since the original proceeding; and
 - (iv) facts that were not placed in evidence in the original proceeding and that were not discoverable by reasonable diligence.
- (3) The applicant shall serve a copy of his application on every person who was a party to the original proceeding.

Answer

42. (1) A party who has been served with a copy of an application for a review or rehearing may, within 20 days of receipt of the application, submit a written statement containing his answer.

(2) An answer shall be filed with the Secretary and served upon the applicant and all parties to the original proceeding.

Reply

43. (1) An applicant who has been served with an answer may, within 10 days after receipt of the answer, submit a written statement containing his reply.

(2) A reply shall be filed with the Secretary and served upon all parties to the original proceeding.

Documents in Support

44. Any document which a party may wish to submit in support of an application, answer, or reply shall accompany the pleading in question and be filed with the Secretary and served upon all parties to the original proceeding.

Determination

45. (1) Subject to subsection (3), the Board shall determine in respect of any application for a review of an order or decision, whether that order or decision should be reviewed and if it finds that the order or decision should be reviewed, it may then, in its discretion, either dispose of the application or issue directions on procedure with respect to the conduct of the review.

(2) Subject to subsection (3), the Board shall determine in respect of any application for a rehearing, whether the matter should be reheard and, if it finds that the matter should be reheard, it shall issue directions on procedure with respect to the rehearing.

(3) The Board will not determine that an order or decision should be reviewed pursuant to subsection (1) or that a matter should be reheard pursuant to subsection (2) until the times prescribed by subsections 42(1) and 43(1) have expired.

Application for Stay

46. (1) Concurrently with the filing of an application for review, an applicant may apply to the Board for an order staying the order or decision which is sought to be reviewed pending the outcome of the application for review.

(2) Concurrently with the filing of an application for a rehearing, an applicant may apply to the Board for an order staying the proceeding in respect of which a rehearing is sought pending the outcome of the application for rehearing.

(3) Concurrently with the filing of an application for leave to appeal to the Federal Court of Appeal pursuant to subsection 18(1) of the Act, an applicant for leave to appeal may apply to the Board for an order staying the order or decision in respect of which leave to appeal is sought pending the outcome of the appeal.

(4) An application for a stay shall be in writing, filed with the Secretary and served, as the case may be, on all parties to the original proceeding or all parties to the proceeding giving rise to the order or decision in respect of which leave to appeal is sought.

(5) Any party who wishes to answer an application made pursuant to this section shall file with the Secretary and serve, as the case may be, on all parties to the original proceeding or all parties to the proceeding giving rise to the order or decision in respect of which leave to appeal is sought, a written answer within 20 days of receipt of the application.

(6) The applicant may, where he has been served with an answer, file with the Secretary and serve, as the case may be, on all parties to the original proceeding or all parties to the proceeding giving rise to the order or decision in respect of which leave to appeal is sought, a written reply within 10 days of receipt of the answer.

(7) The Board may grant a stay subject to such terms and conditions as it considers just and reasonable in the circumstances.

Clarification

47. Notwithstanding anything in this Part, an application to reconsider an order or decision of a procedural nature made in the course of a proceeding, other than a decision to adjourn a public hearing for a period in excess of 60 days or for an unspecified period, may be made by notice of motion pursuant to section 24.

PART VI

APPROVAL OF PLAN, PROFILE AND BOOK OF REFERENCE

48. Sections 8 and 22, sections 27 to 36, subsection 37(2), and sections 39 and 40 do not apply to proceedings under this Part.

49. For the purpose of sections 50 to 54, "applicant" means a company that makes an application for approval of a plan, profile and book of reference under section 29 of the Act.

50. (1) Before any notice in relation to a plan, profile and book of reference is served or published by an applicant under section 29.1 of the Act, the applicant shall

(a) submit to the Board for approval as to form a sample notice for service and a sample notice for publication, including for each such notice a sample form of description of the proposed detailed route to be included in each notice; or

(b) identify in writing, for the approval of the Board, a form of notice or forms of notices previously approved by the Board that it proposes to serve or publish in relation to the plan, profile and book of reference.

(2) Unless an alternative form of notice is approved in advance by the Board, the description of the proposed detailed route of the pipeline forming part of a notice for service on an owner of lands under section 29.1 of the Act shall include a plan of the lands proposed to be acquired, drawn with reference to legal survey points if such points are available, that is of a scale sufficient to identify with reasonable accuracy the location, dimensions and area of the lands in relation to the remaining adjacent lands of the owner, if any.

(3) Unless an alternative form of notice is approved in advance by the Board, the description of the proposed detailed route of the pipeline forming part of a notice for publication under section 29.1 of the Act shall include

(a) a plan of a scale sufficient to represent with reasonable accuracy, having regard to the terrain and degree of habitation in the area, the location of the proposed detailed route in relation to prominent topographical features, population centres, highways, utilities and other such prominent local landmarks; and

(b) a schedule listing sequentially the names of each registered owner in fee simple of the lands proposed to be acquired within the area covered by the plan and identifying the lands of each such owner by such legal designations of land, including the municipal address, parcel number, registered plan number, lot, concession, township, parish, range, county or other equivalent land divisions, as are sufficient to identify the lands of each such owner.

(4) The submission required under subsection (1) shall include

(a) a copy of each plan described in paragraph 3(a) that is proposed to be published;

(b) a statement that shows for each such plan the size of the area covered by the plan and the population densities in the area; and

(c) a statement of the names of the publications in which it is proposed to publish the notice and the number of issues of each such publication in which it is proposed to publish such notice.

(5) Each notice published under section 29.1 of the Act shall identify a location within or near the area covered by the plan where the plans, profiles and books of reference for that area are available for inspection unless the Board directs that the notice need not identify such a location.

(6) The notices served or published under section 29.1 shall not depart in any material respect from the forms approved by the Board.

51. If a notice referred to in paragraph 29.1(1)(a) of the Act cannot be served by personal service in any manner permitted by the general rules of practice in the Federal Court of Canada, the applicant wishing to serve the notice may apply to the Board for an order under the National Energy Board Substituted Service Regulations.

52. A person who files with the Board a written statement under subsection 29.1(2) or (3) of the Act in relation to a proposed detailed route of a pipeline described in a notice served or published by an applicant shall send concurrently, by registered mail, a copy of the statement to the applicant at the address shown in the notice.

53. Forthwith upon completion by an applicant of the service and publication of notices under section 29.1 of the Act in relation to a plan, profile and book of reference, the applicant shall notify the Board in writing of the dates of the last such service and publication.

54. (1) Upon the ordering by the Board under subsection 29.2(1) of the Act that a public hearing be conducted respecting a plan, profile and book of reference submitted to the Board by an applicant, the Secretary shall send to the applicant a copy of the names and addresses of persons who have filed written statements with the Board in respect of that plan, profile and book of reference, and the applicant shall upon receipt thereof forthwith send by registered mail to each such person a copy of the order of the Board.

(2) The applicant referred to in subsection (1) shall file at the hearing held under subsection 29.2(3) of the Act proof of compliance with subsection (1) and with subsection 29.1(1) of the Act.

Costs

55. Sections 56 and 57 apply to the costs referred to in section 29.6 of the Act in relation to a public hearing held under subsection 29.2(3) of the Act.

56. A person who has made representations to the Board at a public hearing held under subsection 29.2(3) of the Act shall prepare an itemized statement of the actual costs reasonably incurred by that person for the purposes of the hearing and shall send concurrently by registered mail a copy of the statement to the Secretary and to the company whose pipeline route is affected by the hearing.

57. (1) Where a person sends a statement of costs to a company in accordance with section 56 and the company does not pay in full the costs itemized in the statement within 60 days of the date of mailing of the statement, that person may request the Board to fix the amount to be paid by the company.

(2) A company that receives a statement of costs in accordance with section 56 may at any time after receipt thereof request the Board to fix the amount to be paid by the company.

(3) A request referred to in this section shall be in writing and the person or company making the request shall send concurrently by registered mail a copy of the request to the Board and to the other party.

(4) The Board may appoint a member of its staff to mediate between the parties involved in a request to the Board under this section with a view to obtaining an agreement as to the amount of costs to be paid by the company but if no agreement is reached within 20 days following the appointment of the mediator, the Board shall upon notice to the parties commence proceedings to fix the amount to be paid.

PART VII

RIGHT OF ENTRY TO LANDS

58. Section 8 and sections 27 to 40 do not apply to proceedings under this Part.

59. A company that wishes to apply to the Board for an order under section 75.26 of the Act shall,

(a) forthwith after the completion of service on the owner of lands of a notice referred to in subsection 75.26(2) of the Act, file a copy of the notice with the Board; and

(b) forthwith after the service on the owner of the lands of the schedule referred to in paragraph 60(b), file a copy of the schedule with the Board.

60. An application under section 75.26 of the Act shall include

(a) proof that the notice referred to in subsection 75.26(2) of the Act has been served on the owner of the lands by personal service in any manner permitted by the general rules of practice in the Federal Court of Canada or in any manner ordered by the Board under the National Energy Board Substituted Service Regulations, within the time referred to in that subsection;

(b) a schedule proposed to be made part of the order sought from the Board that contains, in a form suitable for depositing, registering, recording or filing against lands, as the case requires, a description of

(i) the lands in respect of which the order is sought;

(ii) the right, title or interest applied for in respect of the lands; and

(iii) any rights, obligations, restrictions or other terms and conditions proposed to attach to the right, title or interest, to any remaining interest or interests, or to any adjacent lands of the owner;

(c) if the notice referred to in subsection 75.26(2) of the Act has been served on the owner of the lands by personal service, proof that the schedule referred to in paragraph (b) has been served on that owner not less than 20 days prior to the date on which the application is made to the Board; and

(d) a current abstract of title to the lands or a certified copy of the certificate of title to the lands.

61. (1) An owner of lands in respect of which an application under section 75.26 of the Act has been made by a company who sends to the Board an objection in writing referred to paragraph 75.26(2)(c) of the Act shall send concurrently, by registered mail, a copy of the objection to the company at the address shown in the notice served on the owner by the company.

(2) A company that receives a written objection referred to in subsection (1) may file with the Board a written response to the objection or shall inform the Board in writing that it does not wish to respond to the objection.

SCHEDULE I

FORMS

FORM 1

Subpoena

(Coat of Arms)

NATIONAL ENERGY BOARD

CANADA

IN THE MATTER OF

TO

You are hereby required to attend before the Board at the
of _____ in the Province of _____ on _____ day,
the _____ day of _____ 19 _____ at the hour of _____ o'clock in the
noon, and so from day to day until the above matter is heard, to give evidence
on behalf of _____ and also to bring with you and produce at the time
and place aforesaid the following documents, VIZ: (specify documents)

IN WITNESS WHEREOF this Subpoena is signed for the National Energy Board by
its Secretary at Ottawa, Ontario, this _____ day of _____ 19 _____.

(SEAL)

Secretary

(The following shall be endorsed on the subpoena:

NOTE: Subsection 20(3) of the NEB Rules of Practice and Procedure provides as follows:

"No one served by a party with a subpoena is required to appear before the Board pursuant to such subpoena unless there has been paid or tendered to him conduct money in an amount sufficient for his reasonable fees and travelling expenses, if any.")

FORM 2

(Public Hearing Procedures under Part III)

(Directions on Procedure)

File Number:

Date:

HEARING ORDER (number)

Directions on Procedure

(title of proceeding)

(Note: Two alternative texts are provided for this Form. If the public hearing is held to dispose of an application to the Board, use text A. If the public hearing is held to dispose of matters other than an application to the Board, use text B.)

(TEXT A)

By application dated (date of application), (name of applicant) ("the Applicant") has applied to the National Energy Board ("the Board") for (describe type of application). Having considered the application, the Board has decided on (date) to hold a public hearing and directs as follows:

PUBLIC VIEWING

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, a copy of the application (in its offices, if applicable) at (insert location(s)). A copy of the application is also available for viewing in the Board's Library, Room 962, 473 Albert Street, Ottawa, Ontario (and its office in Calgary, Alberta at 4500-16th Avenue, N.W., if applicable).

INTERVENTIONS

2. Interventions are required to be filed with the Secretary and served on the Applicant by (date). Interventions should include all the information set out in subsection 32(1) of the NEB Rules of Practice and Procedure.
3. The Secretary will issue a list of intervenors shortly after (date).

INFORMATION REQUESTS

4. Information requests addressed to the Applicant or any other party to the proceeding are required to be filed with the Secretary and served on all other parties by (date).
5. Responses to information requests received within the specified time limit shall be filed with the Secretary and served on all other parties to the proceeding by (date).

WRITTEN EVIDENCE

(Note: Where directions are given permitting an applicant to submit additional written evidence the following paragraph shall be inserted here and subsequent paragraphs would be renumbered accordingly.

- "6. Any additional written evidence that the Applicant wishes to present shall be filed with the Secretary and served on all other parties to the proceeding by (date)."
6. Intervenor written evidence is required to be filed with the Secretary and served on all other parties to the proceeding by (date).

LETTERS OF COMMENT

7. Letters of comment are required to be filed with the Secretary and served on the Applicant by (date).

HEARING

8. The public hearing will commence at (location), on (day, date, time).

(Note: When a pre-hearing conference is to be held, the following paragraph shall be inserted here and subsequent paragraphs would be renumbered accordingly.

"CONFERENCE

9. A pre-hearing conference is scheduled to take place at (location), on (day, date, time)."

SERVICE TO PARTIES

9. The Applicant shall serve a copy of these Directions on Procedure and the Notice of Public Hearing attached as Appendix I forthwith on the parties listed in Appendix II.

NOTICE OF HEARING

10. The publications in which the Applicant is required to publish the Notice of Public Hearing are listed in Appendix III.

(Note: Where directions are given, for example, with respect to the issues to be heard or the phases in which the hearing is to be conducted, they shall be inserted here with appropriate headings and subsequent paragraphs would be renumbered accordingly.)

FILING AND SERVICE REQUIREMENTS

11. Where parties are directed by these Directions on Procedure or by the NEB Rules of Practice and Procedure to file or serve documents on other parties, the following numbers of copies shall be served or filed:
 - (1) for documents to be filed with the Board, provide (insert number) copies;
 - (2) for documents to be served on the Applicant, provide (insert number) copies;
 - (3) for documents to be served on intervenors, provide (insert number) copy(ies).
12. Parties filing or serving documents at the hearing shall file or serve the numbers of copies specified in the preceding paragraph.
13. Persons filing letters of comment should serve one copy on the Applicant and file one copy with the Board which in turn will provide copies for all other parties.
14. Parties filing or serving documents less than (insert number) days prior to the commencement of the hearing shall also bring to the hearing a sufficient number of copies of the documents for use by the Board and other parties present at the hearing.

SIMULTANEOUS INTERPRETATION

15. All parties are requested to indicate in their interventions the official language they intend to use at the hearing. If it appears that both languages will be used, simultaneous interpretation will be provided.

(or)

The proceeding will be conducted in either of the two official languages and simultaneous interpretation will be provided.

GENERAL

16. All parties are asked to quote Hearing Order No. (insert number) when corresponding with the Board in this matter.
17. These Directions supplement the NEB Rules of Practice and Procedure.
18. For information on this hearing or the procedures governing the hearing, contact (name), Regulatory Support Officer, at (telephone number).

(name)
Secretary

(TEXT B)

(Describe the events, information or statutory mandate which have led the Board to initiate a public hearing). The National Energy Board ("the Board") decided on (date), pursuant to (indicate section(s) or subsection(s) or Part(s)) of the National Energy Board Act ("the Act") to hold a public hearing to (describe the purpose of the hearing) and directs as follows:

PUBLIC VIEWING

1. A copy of all documentation in this matter is available for viewing in the Board's Library, Room 962, 473 Albert Street, Ottawa, Ontario (and its office in Calgary, Alberta at 4500-16th Avenue, N.W., if applicable).

(or)

(Name(s) of person(s) directed to do so) shall deposit and keep on file, for public inspection during normal business hours, a copy of (describe documentation) (in its offices, if applicable) at (insert location(s)). A copy of such documentation is also available for viewing in the Board's Library, Room 962, 473 Albert Street, Ottawa, Ontario (and its office in Calgary, Alberta at 4500-16th Avenue, N.W., if applicable).

INTERVENTIONS

2. Interventions are required to be filed with the Secretary by (date). Interventions should include all the information set out in subsection 32(1) of the NEB Rules of Practice and Procedure.
3. The Secretary will issue a list of intervenors shortly after (date).

INFORMATION REQUESTS

4. Information requests addressed to any party to the proceeding are required to be filed with the Secretary and served on all other parties by (date).
5. Responses to information requests received within the specified time limit shall be filed with the Secretary and served on all other parties to the proceeding by (date).

WRITTEN EVIDENCE

6. Intervenor written evidence is required to be filed with the Secretary and served on all other parties to the proceeding by (date).

LETTERS OF COMMENT

7. Letters of comment are required to be filed with the Secretary by (date).

HEARING

8. The public hearing will commence at (location), on (day, date, time).

(Note: Where a pre-hearing conference is to be held, the following paragraph shall be inserted here and subsequent paragraphs would be renumbered accordingly.

"CONFERENCE

9. A pre-hearing conference is scheduled to take place at (location), on (day, date, time)."

NOTICE OF HEARING

9. The Board will arrange for publication of the Notice of Public Hearing attached as Appendix I in the publications listed in Appendix II.

(Note: Where the Board will also arrange for the service of the Directions on Procedure and the Notice of Public Hearing on certain parties, the following paragraph shall be inserted here and subsequent paragraphs would be renumbered accordingly.

"SERVICE TO PARTIES

10. The Board will serve a copy of these Directions on Procedure and attached Notice of Public Hearing on those parties listed in Appendix III."

(Note: Where directions are given, for example, with respect to the issues to be heard or the phases in which the hearing is to be conducted, they shall be inserted here with appropriate headings and subsequent paragraphs would be renumbered accordingly.)

FILING AND SERVICE REQUIREMENTS

10. Where parties are directed by these Directions on Procedure or by the NEB Rules of Practice and Procedure to file or serve documents on other parties, the following number of copies shall be served or filed:
 - (1) for documents to be filed with the Board, provide (insert number) copies;
 - (2) for documents to be served on other parties, provide (insert number) copy(ies).
11. Parties filing or serving documents at the hearing shall file or serve the numbers of copies specified in the preceding paragraph.
12. Persons filing letters of comments shall file one copy with the Board which in turn will provide copies for all other parties.
13. Parties filing or serving documents less than (insert number) days prior to the commencement of the hearing shall also bring to the hearing a sufficient number of copies of the documents for use by the Board and other parties present at the hearing.

SIMULTANEOUS INTERPRETATION

14. All parties are requested to indicate in their interventions the official language they intend to use at the hearing. If it appears that both languages will be used, simultaneous interpretation will be provided.

(or)

The proceeding will be conducted in either of the two official languages and simultaneous interpretation will be provided.

GENERAL

15. All parties are asked to quote Hearing Order No. (insert number) when corresponding with the Board in this matter.
16. These Directions supplement the NEB Rules of Practice and Procedure.
17. For information on this hearing or the procedures governing the hearing, contact (name), Regulatory Support Officer, at (telephone number).

(name)
Secretary

FORM 3

(Public Hearing Procedures under Part III)

NATIONAL ENERGY BOARD

HEARING ORDER (number)

NOTICE OF PUBLIC HEARING

(NAME OF COMPANY, TITLE OF PROCEEDING)

(Note: Two alternative texts are provided for this Form. If the public hearing is held to dispose of an application to the Board, use text A. If the public hearing is held to dispose of matters other than an application to the Board, use text B.)

(TEXT A)

The National Energy Board ("the Board") will conduct a hearing into an application dated (date of application) by (name of applicant) ("the Applicant") pursuant to (indicate section(s) or subsection(s) or Part(s)) of the National Energy Board Act for (describe application). (Provide a summary of the application).

The hearing will commence at (location), on (day, date, time).

The hearing will be public and will be held to obtain the evidence and relevant views of interested parties on the application.

Anyone wishing to intervene in the hearing must file a written intervention with the Secretary of the Board and serve a copy on the Applicant, (name and address of Applicant). The Applicant will provide a copy of the application to each intervenor.

The deadline for receipt of written interventions is (date). The Secretary will then issue a list of intervenors.

Anyone wishing only to comment on the application should write to the Secretary of the Board and send a copy to the Applicant.

The deadline for receipt of comments is (date).

Information on the procedures for this hearing (reference number) or the NEB Rules of Practice and Procedure governing all hearings (both documents available in English and French) may be obtained by writing to the Secretary or telephoning the Board's Regulatory Support Office at (telephone number).

(name)
Secretary
(address)
(telex number)

(TEXT B)

The National Energy Board ("the Board") has decided, pursuant to (indicate section(s) or subsection(s) or Part(s)) of the National Energy Board Act to hold a public hearing to (describe the purpose of the hearing).

The hearing will commence at (location), on (day, date, time).

The hearing will be public and will be held to obtain the evidence and relevant views of interested parties.

Anyone wishing to intervene in the hearing must file a written intervention with the Secretary of the Board (and send a copy to (name(s) of person(s)) if applicable).

The deadline for receipt of either written interventions or comments is (date). The Secretary will then issue a list of intervenors.

Anyone wishing only to comment on the subject matter of the proceeding should write to the Secretary of the Board.

The deadline for receipt of comments is (date).

Information on the procedures for this hearing (reference number) or the NEB Rules of Practice and Procedure governing all hearings (both documents available in English and in French) may be obtained by writing to the Secretary or telephoning the Board's Regulatory Support Office at (telephone number).

(name)
Secretary
(address)
(telex number)
(telecopier number)

FORM 4

(Hearing Procedures Pursuant to Section 39)

(Directions on Procedure)

File Number:

Date:

Directions on Procedure

(title of proceeding)

By application dated (date of application), (name of applicant) ("the Applicant") has applied to the National Energy Board ("the Board") for (describe type of application). Having considered the application, the Board directs as follows:

PUBLIC VIEWING

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, a copy of the application (in its offices, if applicable) at (insert location(s)). A copy of the application is also available for viewing in the Board's Library, Room 962, 473 Albert Street, Ottawa, Ontario (and in its office in Calgary, Alberta at 4500-16th Avenue, S.W., if applicable).

SUBMISSIONS OF INTERESTED PARTIES

2. Submissions of interested parties are required to be filed with the Secretary and served on the Applicant by (date).
3. Interested persons are directed to comment on, inter alia, the granting or dismissal of the application (and whether or not a public hearing should be held to deal with the application).

REPLY

4. Any reply to a submission of an interested party is required to be filed with the Secretary and served on the interested person by (date).

SERVICE TO INTERESTED PERSONS

5. The Applicant shall serve a copy of the application and these Directions on Procedure forthwith on the interested persons listed in Appendix I.

(Note: Where the Board issues a public notice pursuant to section 39, the following paragraphs shall be inserted here and subsequent paragraphs would be renumbered accordingly.)

"PUBLIC NOTICE

6. The publications in which the Applicant is required to publish the public notice attached as Appendix II are listed in Appendix III.
7. The Applicant shall serve a copy of the public notice forthwith on the interested persons listed in Appendix I.")

GENERAL

6. All interested persons are asked to quote File Number (insert number) when corresponding with the Board in this matter.
7. These Directions supplement the NEB Rules of Practice and Procedure.
8. For information on this hearing or the procedures governing the hearing, contact the Board's Regulatory Support Office at (telephone number).

(name)
Secretary

FORM 5

(Hearing Procedures Pursuant to Section 39)

PUBLIC NOTICE

Ottawa, (date)

(name of applicant, title of proceeding, file number)

The National Energy Board ("the Board") has received an application dated (date of application) from (name of applicant) ("the Applicant") for (describe type of application). (Provide a summary of the application or the proposed issue.)

Any interested person who wishes to comment on this application may do so by filing a submission with the Secretary of the Board and serving a copy thereof on the Applicant on or before (date). Any reply from the Applicant to a submission shall be filed with the Secretary and served on the interested person on or before (date).

Additional information on the application, the locations at which the application may be inspected, or the procedure to be followed may be obtained by writing to the Secretary or telephoning the Board's Regulatory Support Office at (telephone number).

(Note: Two alternate texts are provided for the concluding section of the notice.)

(TEXT A)

The Board will dispose of the application on the basis of the written material before it.

(TEXT B)

Depending on the nature of the interventions and replies received within the time periods set out above, the Board will determine whether or not a public hearing will be held to deal with the application. All interested persons who have expressed an interest in the application will be notified by the Board should a public hearing be convened. In the event that a public hearing is not held, the Board will dispose of the application on the basis of the written material before it.

(name)

Secretary

(address)

(telex number)

(telecopier number)

SCHEDULE II

TABLE I

| <u>Column I</u> | <u>Column II</u> |
|---|------------------------|
| Type of Application | Part(s) of Schedule II |
| 1. Certificate - Gas Pipeline | I, VI, IX |
| 2. Certificate - Oil Pipeline | II, VI, IX |
| 3. Section 49* Order - Gas Pipeline | VI, VII, IX |
| 4. Section 49* Order - Oil Pipeline | VI, VIII, IX |
| 5. Abandonment of Gas or Oil Pipeline | VI |
| 6. Certificate - International Power Line | III |
| 7. Part IV** Order - Gas Pipeline | V |
| 8. Part IV** Order - Oil Pipeline | IV |
| * Section 49 of the National Energy Board Act | |
| ** Part IV of the National Energy Board Act | |

PART I

Unless the Board Otherwise Directs, Information Required to be Filed by an Applicant for a Certificate Pursuant to Section 44 of the Act, in Respect of a Gas Pipeline.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (3), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) For applications pursuant to Section 44 of the Act, in respect of a gas pipeline, the following information shall be provided:

Supply of Gas

(a) With respect to the supply of gas:

(i) an estimate of all established reserves of gas available to the project under contract to the applicant or the owner(s) of the gas to be transported; and

(ii) a forecast of the supply capability for the reserves listed in subparagraph (i) above.

(b) In addition to the requirements of paragraph (a), for all new pipelines or where modifications to a pipeline will significantly affect its existing capacity:

(i) the names and specific locations of the pools, fields or areas from which it is proposed to produce, purchase or otherwise acquire gas for transmission;

(ii) estimates of initial and remaining established reserves of gas for each pool, field or area named in subparagraph (i), together with supporting data on which the estimates are based;

(iii) a deliverability schedule of the maximum daily and annual rates of contracted production for each pool, field or area named in subparagraph (i), together with supporting data and assumptions on which the deliverability schedule is based;

(iv) an estimate of any proposed reprocessing shrinkage, on both a volumetric and calorific basis, applicable to the quantities of gas dedicated to the project;

(v) a supply/demand balance demonstrating an adequate gas supply to meet project requirements; and

(vi) where authorization for the removal of gas is required by a statute of a province or territory, evidence on the status of any applications made in respect of such authorization.

Gas Markets

(c) With respect to gas markets, details of markets to be served by the applicant's pipeline, including:

(i) estimates of residential, commercial, industrial (firm and interruptible) and power generation requirements of Canadian markets to be supplied during the first, third, fifth and tenth contract years following completion of the proposed construction, including a detailed description of the methodology, assumptions and data sources;

(ii) estimates of requirements of any market(s) outside Canada to be supplied during the life of existing gas export licences utilizing the pipeline system, by port of exit, including maximum daily and annual export quantities anticipated each contract year;

(iii) estimates of fuel requirements for the total pipeline system for movement of gas through the pipeline to the markets identified in subparagraphs (i) and (ii) during the first, third, fifth and tenth contract years following completion of the proposed construction; and

(iv) where not already filed with the Board, copies of all sales contracts, as amended, for gas sold or to be sold by the applicant both inside and outside Canada, and, where sales contracts related to the application have not been finalized, in the interim, copies of appropriate precedent agreements may be submitted.

(d) In addition to the requirements of paragraph (c), if any of the gas to be transported by the pipeline system incorporating the proposed facilities is not owned by the applicant, copies of any agreements covering the transportation of gas not owned by the applicant, where such agreements are not already filed with the Board.

Major New Pipelines

(e) With respect to major new pipelines:

(i) an estimate of the present value of the net economic benefits to Canada of the project, showing the benefits and costs on an annual basis; and

(ii) a description of the methodology and assumptions used to arrive at the estimates referred to in subparagraph (i), in sufficient detail to enable the calculations to be verified.

Engineering Matters

(f) With respect to engineering matters:

(i) the purpose and justification for the proposed facilities including:

(A) a description and comparison of the facilities with other viable alternatives, and

(B) data supporting the proposed design of the facilities, using combinations of different pipe sizes, compression, and storage facilities;

(ii) the location, a technical description, preliminary drawings, topography for the proposed facilities, and the map required under Section 28 of the Act, having a scale of not less than 1:50,000;

(iii) the capability and a general description of the control and communication systems;

(iv) the daily, seasonal, and annual capabilities of the existing and the proposed facilities, versus the current and the forecasted requirements, indicating the annual interruptible quantities, such as ACQ or TWS volumes, if any;

(v) the flow formulae, gas properties, flow calculations or diagrams used in determining the daily capabilities, and all parameters and assumptions;

(vi) the system capability following the loss of the most critical compressor unit in the system;

(vii) estimates of the length of pipe for each diameter and wall thickness based on:

(A) the present land use along the route, and

(B) expected future development along the route;

(viii) a description of the pipeline materials and an assessment of the need for a stress and fracture analysis to support the material selections;

(ix) a description of the types of protective coatings considered;

(x) a description of any new or modified building;

(xi) a construction schedule; and

(xii) a list of the applicable regulations, standards, codes, and specifications to be used, indicating the date of issue.

(g) In addition to the requirements of paragraph (f), where the proposed facilities are to be located in unstable soil:

(i) an assessment of the geotechnical and geothermal regimes which the pipeline will encounter; and

(ii) an assessment of the special designs and measures required to safeguard the pipeline.

(h) In addition to the requirements of paragraph (f), where the proposed facilities include compression facilities, the assumptions with regard to:

(i) the type, nominal ISO power, and available power of the prime mover at the proposed location;

(ii) the type of compressor and its required power; and

(iii) fuel consumption and compression efficiency used in the flow calculations.

(i) In addition to the requirements of paragraph (f), where the proposed facilities include measurement facilities:

(i) a preliminary description of the gas measurement equipment indicating the size, type, number of meters, nominal capacity range, and expected accuracy; and

(ii) the minimum and maximum gas delivery pressures and volumes assumed for preliminary design purposes.

(j) In addition to the requirements of paragraph (f), where the proposed facilities include LNG, gas processing, or sulphur plants:

(i) process description, plant capacity, LNG storage capacity, material balance, and utility requirements;

(ii) a description of the proposed treatment of by-products and waste; and

(iii) a plant layout and a safety risk analysis for LNG plants.

(k) In addition to the requirements of paragraph (f), where the proposed facilities include gas storage facilities:

(i) a general description of the equipment to be used in conjunction with the proposed facilities;

(ii) the storage capacity, system capacity, and the calculations supporting the design; and

(iii) a description of the interconnections with existing facilities.

(l) In addition to the requirements of paragraph (f), a brief description of any required facilities to be constructed by others to accommodate the proposed facilities.

Cost of Proposed Facilities

(m) With respect to the cost of the proposed facilities:

(i) an estimate of the capital cost of the project, classified in accordance with the following categories:

(A) pipelines,

(B) compression,

(C) metering and regulating,

(D) other facilities,

(E) engineering,

(F) allowance for funds used during construction including rates used, and

(G) overhead capitalized, including rates and method of calculation;

showing separately a breakdown of the main elements of costs such as: materials, installation, and land and land rights;

(ii) an assessment of the risk of cost overruns, including where appropriate, a probability analysis of the actual costs deviating from the estimated costs.

Financing of Proposed Facilities

(n) With respect to both existing pipeline facilities and the aggregate of existing and proposed pipeline facilities:

(i) for the succeeding five fiscal years after the year in which the facilities are forecast to be completed:

(A) pro-forma statements of rate base and cost of service (revenue requirement) by main elements,

(B) the proposed method and rates of depreciation by plant account, if different from those approved by the Board,

(C) average unit transportation costs showing the derivation thereof, and

(D) where not already filed with the Board, a copy of all relevant tariffs, transportation contracts or operating agreements; and

(ii) in addition to the requirements of subparagraph (i), for proposed facilities that are either major expansions to existing facilities or major new pipelines traversing new routes:

(A) pro-forma balance sheets as at the end of the fiscal year in which the proposed facilities are forecast to be completed and pro-forma financial statements for the end of the succeeding five fiscal years,

(B) supporting details on the proposed return on rate base and provision for income taxes, and

(C) a summary of throughput for the five fiscal years referred to in subparagraph (i).

(o) Information pertaining to the financial position and structure of the applicant, and the proposed methods of financing, including:

(i)(A) audited financial statements for the most recent fiscal year, together with a description of the applicant's financial structure including equity and debt issues, bank loans, and lines of credit, showing principal amounts, interest and preferred dividend rates, dates of issue and maturity, retirement schedules, and principal terms and conditions of each issue,

(B) a concise description of any restrictive provisions concerning future financing, capital structure changes, interest coverage, or dividends, that would affect the financing of the proposed facilities, and

(C) a description of any changes that have occurred after the date of the audit report on the financial statements referred to in clause (A) which would affect the financial position of the applicant; and

(ii) a description of the intended method of financing the proposed facilities, including evidence of financing if available.

Canadian Content

(p) A description of Canadian content of the proposed facilities including:

(i) a description of the procurement plans and procedures that the applicant intends to use to ensure that Canadian firms will be given a fair and adequate opportunity to participate in the engineering, material and services supply, and construction of the proposed facilities; and

(ii)(A) estimates of the Canadian content of the project expenditures by main elements of cost such as pipe, compression equipment, valves and fittings, installation, and engineering, calculated in accordance with National Standards of Canada, CAN2-147.3-82, Definition of Canadian Content,

(B) estimates of the aggregate of applicable Canadian federal and provincial sales taxes and excise taxes,

(C) estimates of Canadian tariffs, and

(D) where applicable, the reasons why the applicant or its prospective suppliers will not obtain certain materials, supplies and services, or components thereof, from Canadian sources.

Regional Socio-Economic Impacts

(q) For a project which has the potential for causing a significant regional socio-economic impact, an assessment of the probable regional socio-economic impacts of the proposed facilities, including:

(i) a description of the methodology and assumptions used for the impact assessment;

(ii) a description of the impact area, including the economic, demographic, social, land use, government, and community impacts;

(iii) a statement of the applicant's policies and actions to promote positive regional socio-economic effects; and

(iv) a statement of the proposed mitigative measures to minimize the negative regional socio-economic effects of the project.

PART II

Unless the Board Otherwise Directs, Information Required to be Filed by an Applicant for a Certificate Pursuant to Section 44 of the Act, in Respect of an Oil Pipeline.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (3), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) For applications pursuant to Section 44 of the Act, in respect of an oil pipeline, the following information shall be provided:

Throughputs

(a) For all oil pipeline projects, a throughput schedule specifying proposed throughputs during the project life.

Supply of Oil

(b) In addition to the requirements of paragraph (a), for all new crude oil pipelines or where modifications to a crude oil pipeline will significantly affect its existing capacity:

(i) a list of oil pools to be served by the pipeline and estimates of established reserves for those pools;

(ii) forecasts of productive capacity for the reserves listed in subparagraph (i);

(iii) such data as required to perform an accurate assessment of the established reserves and of the volume of oil in place for the reserves listed in subparagraph (i); and

(iv) such data as required to perform an accurate assessment of the productive capacity for the reserves listed in subparagraph (i).

Exports

(c) In addition to the requirements of paragraph (a), if facilities are to be used for exports, evidence that the crude oil proposed for export is surplus to Canadian requirements.

Oil Markets

- (d) The markets to be served and their present and future requirements.

Major New Pipelines

- (e) With respect to major new pipelines:

- (i) an estimate of the present value of the net economic benefits to Canada of the project, showing the benefits and costs on an annual basis; and
- (ii) a description of the methodology and assumptions used to arrive at the estimates referred to in subparagraph (i), in sufficient detail to enable the calculations to be verified.

Engineering Matters

- (f) With respect to engineering matters:

- (i) the purpose and justification for the proposed facilities including:
 - (A) a description and comparison of the facilities with other viable alternatives, and
 - (B) data supporting the proposed design of the facilities, using combinations of different pipe sizes, pumping, and storage facilities;
- (ii) the location, a technical description, preliminary drawings together with ground elevations and hydraulic profiles, topography for the proposed facilities, and the map required under Section 28 of the Act, having a scale of not less than 1:50,000;
- (iii) the capability and a general description of the control and communication systems;
- (iv) the throughput capabilities of the existing and the proposed facilities, versus the current and the forecasted requirements, indicating how the forecasted requirements will be provided for the design period;
- (v) the flow formulae, fluid properties, flow calculations for the design conditions, and all parameters and assumptions;
- (vi) the system capability following the loss of the most critical pumping unit in the system;
- (vii) estimates of the length and location of pipe for each diameter and wall thickness, including, when high vapour pressure pipeline systems are involved, a discussion of:

(A) the present land use along the route, and

(B) expected future development along the route;

(viii) a description of the pipeline materials and an assessment of the need for a stress and fracture analysis to support the material selections;

(ix) a description of the types of protective coatings considered;

(x) a description of any new or modified building;

(xi) a construction schedule; and

(xii) a list of the applicable regulations, standards, codes, and specifications to be used, indicating the date of issue.

(g) In addition to the requirements of paragraph (f), where the proposed facilities are to be located in unstable soil:

(i) an assessment of the geotechnical and geothermal regimes which the pipeline will encounter; and

(ii) an assessment of the special designs and measures required to safeguard the pipeline.

(h) In addition to the requirements of paragraph (f), where the proposed facilities include pumping facilities, the assumptions with regard to:

(i) the type and power (in kilowatts) of the prime mover;

(ii) the source and availability of fuel or power for the prime mover; and

(iii) the type and size of pump.

(i) In addition to the requirements of paragraph (f), where the proposed facilities include measurement facilities:

(i) a preliminary description of the oil measurement equipment indicating the size, number of meters, nominal capacity range, and expected accuracy; and

(ii) the flow rates assumed for preliminary design purposes.

(j) In addition to the requirements of paragraph (f), where the proposed facilities include oil storage facilities:

(i) a plan layout of the proposed facilities;

(ii) the physical dimensions and capacity of the tanks and dikes; and

(iii) drawings showing:

- (A) tank design and piping arrangements, and
- (B) the proposed locations of the storage tanks, fences and roads.
- (k) In addition to the requirements of paragraph (f), a brief description of any required facilities to be constructed by others to accommodate the proposed facilities.

Cost of Proposed Facilities

- (1) With respect to the cost of the proposed facilities:
 - (i) an estimate of the capital cost of the project, classified in accordance with the following categories:
 - (A) pipelines,
 - (B) pumping stations,
 - (C) tankage,
 - (D) metering stations,
 - (E) other facilities,
 - (F) engineering,
 - (G) allowance for funds used during construction including rates used, and
 - (H) overhead capitalized, including rates and method of calculation; showing separately a breakdown of the main elements of costs such as: materials, installation, and land and land rights; and
 - (ii) an assessment of the risk of cost overruns, including where appropriate, a probability analysis of the actual costs deviating from the estimated costs.

Financing of Proposed Facilities

- (m) With respect to both existing pipeline facilities and the aggregate of existing and proposed pipeline facilities:
 - (i) for the succeeding five fiscal years after the year in which the facilities are forecast to be completed:
 - (A) pro-forma statements of rate base, and cost of service (revenue requirement) by main elements,
 - (B) the proposed method and rates of depreciation by plant account, if different from those approved by the Board,

(C) average unit transportation costs showing the derivation thereof, and

(D) where not already filed with the Board, a copy of all relevant tariffs, transportation contracts or operating agreements;

(ii) in addition to the requirements of subparagraph (i), for proposed facilities that are either major expansions to existing facilities or major new pipelines traversing new routes:

(A) pro-forma balance sheets as at the end of the fiscal year in which the proposed facilities are forecast to be completed and pro-forma financial statements for the end of the succeeding five fiscal years,

(B) supporting details on the proposed return on rate base and provision for income taxes, and

(C) a summary of throughput for the five fiscal years referred to in subparagraph (i).

(n) Information pertaining to the financial position and structure of the applicant, and the proposed methods of financing, including:

(i)(A) audited financial statements for the most recent fiscal year, together with a description of the applicant's financial structure including equity and debt issues, bank loans and lines of credit, showing principal amounts, interest and preferred dividend rates, dates of issue and maturity, retirement schedules, and principal terms and conditions of each issue,

(B) a concise description of any restrictive provisions concerning future financing, capital structure changes, interest coverage, or dividends, that would affect the financing of the proposed facilities, and

(C) a description of any changes that have occurred after the date of the audit report on the financial statements referred to in clause (A) which would affect the financial position of the applicant; and

(ii) a description of the intended method of financing the proposed facilities, including evidence of financing, if available.

Canadian Content

(o) A description of Canadian content of the proposed facilities including:

(i) a description of the procurement plans and procedures that the applicant intends to use to ensure that Canadian firms will be given a fair and adequate opportunity to participate in the engineering, material and services supply, and construction of the proposed facilities; and

(ii)(A) estimates of the Canadian content of the project expenditures by main elements of cost such as pipe, pumping equipment, valves and fittings, installation, and engineering, calculated in accordance with National Standards of Canada, CAN2-147.3-82, Definition of Canadian Content.

(B) estimates of the aggregate of applicable Canadian federal and provincial sales taxes and excise taxes,

(C) estimates of Canadian tariffs, and

(D) where applicable, the reasons why the applicant or its prospective suppliers will not obtain certain materials, supplies and services, or components thereof, from Canadian sources.

Regional Socio-Economic Impacts

(p) For a project which has the potential for causing a significant regional socio-economic impact, an assessment of the probable regional socio-economic impacts of the proposed facilities, including:

(i) a description of the methodology and assumptions used for the impact assessment;

(ii) a description of the impact area, including the economic, demographic, social, land use, government, and community impacts;

(iii) a statement of the applicant's policies and actions to promote positive regional socio-economic effects; and

(iv) a statement of the proposed mitigative measures to minimize the negative regional socio-economic effects of the project.

PART III

Unless the Board Otherwise Directs, Information Required to be Filed by an Applicant for a Certificate Pursuant to Section 44 of the Act, in Respect of an International Power Line.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (3), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) For applications pursuant to Section 44 of the Act, in respect of an international power line, the following information shall be provided:

Description of Power System

(a) A brief description of

(i) the applicant; and

(ii) the applicant's power system including major generating stations, transmission system, major interconnections to other Canadian utilities, and a list of all certificated international power lines.

(b) A map at a scale (e.g. 1:50 000) sufficient to locate and identify all terminal points, the route, the international boundary crossover point, and the distance in kilometres from the international boundary crossover point to each terminal point, of

(i) the international power line, showing cities, towns, and villages, rivers, major roads, railways and navigable waters through, under or across which the line is to pass; and

(ii) the power line outside Canada which at the crossover point is connected to the international power line and hereafter is referred to as "the power line outside Canada".

(c) A description from which the international boundary crossover point can be accurately determined on the ground.

(d) The operating designation of each of the electrical transmission circuits which together comprise the international power line.

(e) The name and address of the owner and of the operator of

(i) the international power line; and

(ii) the power line outside Canada.

(f) With respect to each circuit and the terminal facilities of the international power line, and of the power line outside Canada

(i) a brief engineering description;

(ii) a single-line diagram;

(iii) the design capabilities for sustained transmission of power under winter and summer conditions; and

(iv) the criteria, including, temperature limits, voltage drop or stability which underlie the stated capabilities.

(g) The power transfer capabilities between the applicant's power system and the power system outside Canada to which power is to be delivered, before and after the addition of the international power line, stating the criteria which underlie the stated capabilities. Power transfer capability is the amount of power that can be transferred while meeting reliability criteria for the transmission system. For some systems, the change in power transfer capabilities may be the same as the capabilities requested in subparagraphs (iii) and (iv) of paragraph (f).

Cost of the International Power Line

(h) The estimated capital cost of the international power line, including terminal facilities, stating assumptions used in deriving costs, broken down as follows:

(i) property;

(ii) materials (major items or classes of equipment to be listed separately);

(iii) labour (if not combined with above); and

(iv) other (costs included to be specified);

and, in a similar format, the estimated capital cost of the power line, including terminal facilities, outside Canada.

Agreements

(i) A copy of

(i) each interconnection agreement related to the project; and

(ii) any other agreement between the applicant and the owner and/or operator of the power line outside Canada dealing with the financing, construction, and/or operation of the international power line and the power line outside Canada.

(j) Evidence to demonstrate that economic, technical, and other benefits resulting from the construction and operation of the international power line including terminal facilities can justify the cost of the international power line and any other costs incurred to permit the power transfer capabilities to be realized.

(k) Where the response to paragraph (j) includes benefits resulting from the export or import of power and energy, the evidence shall include:

(i) a forecast of the applicant's annual surpluses or shortages of power and energy for the period of such transactions and actual or potential sources to supply shortages; and

(ii) a description of actual or potential markets for any surplus power and energy.

Financing of the International Power Line

(l)(i) A description of the method of financing for the international power line; and

(ii) a brief description of the method of financing for the power line outside Canada.

Canadian Content

(m) A description of the Canadian content of the international power line including terminal facilities as follows:

(i) a description of the procurement plans and procedures that the applicant intends to use to select the firms to participate in engineering, material and services supply, and construction of the proposed facilities; and

(ii) estimates of the Canadian content of the project expenditures by main elements of cost as in item 8, calculated in accordance with the National Standards of Canada, CAN2-147.3-82, Definition of Canadian Content, where applicable.

Environmental Impact

(n) An assessment of the probable environmental impact and a statement of the proposed measures to mitigate the environmental impact of the international power line including terminal facilities. The assessment shall satisfy the requirements of the National Energy Board's "Guidelines on the Environmental Information Required with Application for Certificates for International Power Lines". This assessment may consist in whole or in part of reports prepared for other regulatory authorities.

Approvals

(o) A schedule, showing the projected dates for each approval and authorization respecting the international power line including terminal facilities, and for the start and completion of construction of the international power line and the power line outside of Canada.

(p) A description of the status of the process of obtaining approvals for the power line outside of Canada.

Safety

(q) With respect to the safety of the public and of employees in regard to the design, construction, operation and maintenance of the international power line including terminal facilities,

(i) a list and the date of issue of the safety standards, practices and procedures to be used; and

(ii) a brief description of any other applicable safety measures.

PART IV

Unless the Board Otherwise Directs, Information Required to be Filed by an Oil Pipeline Company applying for an Order Fixing Tolls or Tariffs under Part IV of the Act.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (4), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) In this Part,

"account" means the applicable account listed in Schedules I to IV of the Oil Pipeline Uniform Accounting Regulations; (compte)

"adjustments" includes

(a) adjustments to the base year data to delete abnormal or non-recurring items,

(b) forecast differences between the test year amount for a cost component and the actual base year amount for that component, and

(c) adjustments to reflect rulings of the Board in previous orders under Part IV of the Act that are applicable to the company; (redressements)

"applicant" means an oil pipeline company that applies for an order fixing tolls or tariffs under Part IV of the Act; (demandeur)

"average" means, unless the context otherwise requires,

(a) the arithmetic mean of the opening balance of a period and each of the closing monthly balances of the period,

(b) the arithmetic mean of the opening and the closing balances of a period, or

(c) the amount obtained by aggregating the arithmetic mean of the opening balance and the closing balance of each month of a period and dividing the aggregate by the number of months in the period; (moyenne)

"base year" means a period of twelve consecutive months of recently available actual experience ending on the last day of a calendar year quarter; (année de base)

"booked amounts" means the amounts recorded in the appropriate account under the Oil Pipeline Uniform Accounting Regulations; (montants comptables)

"plant" and "other plant" have the same meanings as in the Oil Pipeline Uniform Accounting Regulations; (installation and autre installation)

"test year" means, unless otherwise specified by the Board, the calendar year that is representative of the period when the new tolls would probably be in effect. (année d'essai)

(4) The following information shall be provided by an oil pipeline company applying for an order fixing tolls or tariffs under Part IV of the Act:

Rate Base

(a) A summary of the applicant's proposed rate base showing the booked amounts at the end of the base year, total adjustments and the projected test year average amounts for the following rate base items:

Plant

- (i) transportation plant (account 30),
- (ii) accumulated depreciation - transportation plant (account 31),
- (iii) accumulated amortization - transportation plant (account 32),
- (iv) improvements to leased facilities (account 36),
- (v) accumulated amortization - improvements to leased facilities (account 37),
- (vi) transportation plant leased to others (account 38),
- (vii) transportation plant under construction (account 39),
- (viii) operating oil supply (account 33), and
- (ix) other relevant plant components;

Working Capital

- (x) provision for cash requirements,
- (xi) materials and supplies (account 8),
- (xii) oil inventory (account 9),
- (xiii) prepaid expenses (account 15), and
- (xiv) other relevant working capital components;

Other Rate Base Items

(xv) deferred charges, and

(xvi) miscellaneous.

(b) Supporting schedules for each rate base item referred to in paragraph (a), excluding provision for cash requirements, showing the balance in each account at the beginning and end of the base year, details and explanations of adjustments to the booked amounts and the projected test year average amounts and proposed additions or deletions of plant or plant materials and operating supplies, supported by sufficient data to reasonably demonstrate that the inclusion thereof in the rate base is justified.

(c) A statement providing full details of the calculation of the provision for cash requirements for the test year and

(i) a cash time-lag analysis for the base year showing, for both revenues and principal operating expenses, the number of days of time-lag between the provision of services and the payment therefor, or

(ii) any other information providing substantive support for the cash working capital requirement.

(d) Details of

(i) every completed addition to plant, if any, in the base year and any other year prior to the test year that has not been submitted to the Board in any previous rate hearing and any addition to plant expected to be completed in the test year, listing those additions authorized in an order issued by the Board and, if any, those additions to plant not so authorized by an order of the Board,

(ii) all retirements, if any, in the base year and any other year prior to the test year not submitted to the Board in any previous rate hearing, and expected retirements in the test year including the following information in respect of the retirement of individual items, the original cost of which is in excess of \$25,000:

(A) description,

(B) date of disposal,

(C) related Board Order,

(D) original cost or expenditure,

(E) accumulated depreciation,

(F) net book value, and

(G) reasons for disposal,

(iii) notwithstanding subparagraph (ii), all disposals having an original cost less than \$25,000 may be aggregated into a miscellaneous category for which only the original cost, accumulated depreciation and net book value need be provided, and

(iv) transportation plant under construction at the end of the base year, not included in subparagraph (i) as plant expected to be completed in the test year, listing projects by amount expended, Board authority and estimated completion date.

(e) Details of any amount booked in account 30 in respect of any plant that is not currently used in pipeline operations, setting out a brief description of the plant, including its location, the original cost, accumulated depreciation and net book value and indicating reasons why the plant is not used.

(f) A list of group depreciation rates applied in the test year, together with a detailed explanation of any variances from the base year.

Financial Statements

(g) Balance sheets as of the beginning and end of the base year and pro forma balance sheets as of the beginning and end of the test year, setting out the booked amounts and the projected amounts respectively for the accounts listed in Schedule I to the Oil Pipeline Uniform Accounting Regulations.

(h) Where an applicant is proposing a consolidated capital structure for the purpose of determining the overall rate of return requested, pro forma consolidated balance sheets as of the beginning and end of both the base year and test year and pro forma consolidated income statements for the base year and test year.

(i) Schedules of income, operating revenue and retained earning accounts for the base year and the test year, setting out the booked amounts and the projected amounts for the accounts listed in Schedule III to V to the Oil Pipeline Uniform Accounting Regulations.

(j) A statement of changes in financial position of the applicant for the base year and a projected statement of changes in financial position for the test year.

(k) Copies of the applicant's annual report to shareholders for the latest fiscal year.

(l) A copy of the financial statements of the regulated entity for the same period as the base year segmented from the applicant's published financial statements accompanied, where necessary, by a reconciliation with the base year financial statements plus an explanation of any differences and a statement regarding consistency of application of accounting principles affecting the regulated entity in the two sets of financial statements.

Rate of Return

(m) A summary for the test year that shows the applicant's projected average outstanding common equity and the applicant's requested rate of return thereon, projected average outstanding balance and related projected weighted average cost for each other class of capital, including deferred taxes, and requested overall rate of return.

(n) An analysis of the weighted average cost of debt capital projected to be outstanding during the test year showing the cost of each debt issue, including borrowings from financial institutions, and a supporting schedule containing the following information for each debt issue:

- (i) title,
- (ii) date of issuance and date of maturity,
- (iii) nominal interest rate,
- (iv) principal amount of issue,
- (v) net proceeds,
- (vi) a general description of the use of the net proceeds,
- (vii) a concise description of sinking fund obligations and interest payment requirements with respect to the issue,
- (viii) method of amortization of debt discount, premium and expense,
- (ix) projected gains or losses in the test year on repurchase or redemption,
- (x) projected gains or losses which are expected to be realized in the test year due to differences in the foreign exchange rates at the time of the application from those in effect when the debt was incurred,
- (xi) a concise description of any provisions restricting or otherwise relating to future financing, capital structures, interest coverage or dividends,
- (xii) a concise description of any convertibility feature, and
- (xiii) a copy of the prospectus for each debt issue, if not previously filed with the Board.

(o) An analysis of the weighted average cost of preferred share capital projected to be outstanding during the test year showing the cost of each issue and a supporting schedule containing the following information for each issue:

- (i) title,
- (ii) date of issuance,

- (iii) dividend rate,
 - (iv) number of shares issued,
 - (v) par or stated value of issue,
 - (vi) net proceeds,
 - (vii) a general description of the use of the net proceeds,
 - (viii) method of amortization of capital stock expense,
 - (ix) projected gains or losses in the test year on repurchase or redemption,
 - (x) full description of any convertibility feature, and
 - (xi) a copy of the prospectus for each issue, if not previously filed with the Board.
- (p) A detailed calculation of the average dollar amount of common equity projected to be outstanding during the test year.
- (q) A schedule in tabular form providing the following information for each public issue of common stock in the last five fiscal years:
- (i) date of issuance,
 - (ii) number of shares issued,
 - (iii) gross proceeds,
 - (iv) net proceeds,
 - (v) amount and method of amortization of capital stock expense,
 - (vi) a general description of the use of the net proceeds, and
 - (vii) a copy of the prospectus for the issue, if not previously filed with the Board.
- (r) A schedule in tabular form providing the following information in respect of common equity of the applicant for each year of the last five fiscal years:
- (i) average number of shares outstanding,
 - (ii) average book value per share,
 - (iii) annual earnings per share,
 - (iv) annual dividend per share,
 - (v) dividends as a per cent of earnings,

- (vi) average market price,
- (vii) average market - book ratio,
- (viii) average earnings - price ratio,
- (ix) average dividend - price ratio,
- (x) rate of return on average common equity, and
- (xi) times interest earned indicating the method of calculation.

(s) A schedule showing the average per cent of debt, accumulated deferred taxes, preferred equity and common equity to total capital for each of the applicant's last five fiscal years of operation or, where the applicant has operated less than five years, for each fiscal year of operation.

Cost of Service (Including Return)

(t) A summary by quarter of the applicant's projected test year cost of service showing in columnar form the projected test year amounts, corresponding booked amounts, where applicable, for the base year, and the differences between the test year and the base year amounts for the following components:

- (i) operating and maintenance expenses,
- (ii) depreciation and amortization of plant,
- (iii) other expenses including amortization of deferred items,
- (iv) taxes, other than income taxes,
- (v) income taxes,
- (vi) return on rate base,
- (vii) other relevant cost components,
- (viii) other income, and
- (ix) miscellaneous operating revenues.

(u) A schedule for each cost component of the projected test year cost of service showing in columnar form the items making up the total of the components in paragraph (t). Each schedule to show line-by-line by category within the component the following:

- (i) the test year amounts,
- (ii) the base year amounts, and
- (iii) the difference between the test year and base year amounts.

(v) An explanation to justify each projected test year amount, and, where necessary, calculations, for all significant changes indicated in the difference columns provided under paragraph (u). The explanation should show the effect of

(i) changes in throughput,

(ii) changes in prices and wage and salary rates,

(iii) the passage of time e.g. reduction of rate base through depreciation, and

(iv) any other factors.

(w) A detailed list with explanations of the causes of each of the instances of oil loss or gain for the five years prior to the test year, and a schedule showing derivation of a five year average historical oil loss or gain as a percentage of receipts of oil or products into the pipeline system.

(x) Supporting detailed schedules of fuel and power costs, for both the base year and test year periods, that illustrate the derivation of the

(i) energy requirements, and

(ii) corresponding costs,

supported by a summary of all fuel and power contracts for the base year and an estimate of expected increases in the test year for each of the relevant operating districts of the pipeline system and, where the applicant deems it necessary, any other information relevant in explaining the derivation of fuel and power costs.

(y) A comparison of the projected depreciation expense for the test year with the projected capital cost allowances for the test period.

(z) A calculation of the deferred tax balance for the test year, the base year and the five preceding fiscal years, unless previously filed with the Board.

Rates, Tolls and Tariffs

(aa) A concise description of the applicant's pipeline system and operations, including a system map.

(bb) A summary or copy of all agreements, the terms of which are in excess of one year, not previously filed with the Board and of any substantive changes in such agreements previously filed with the Board that have been entered into by the applicant pertaining to oil or oil products transported by the applicant in and outside Canada, including throughput agreements, deficiency agreements and shipper-owner agreements.

(cc) Comparative schedules showing the existing tariffs which the applicant proposes to revise, the proposed tariffs and the degree of change.

(dd) Details of the applicant's proposed toll design with explanations of any changes in the toll design from that previously approved by the Board, including

(i) a brief description of the classes or types of service offered,

(ii) toll zones or areas, where applicable, illustrated by map,

(iii) allocations of the applicant's test year cost of service or portions thereof to zones or areas, classes or types of service, parent or subsidiary companies, where applicable, and the details and bases for such allocations,

(iv) an analysis of the applicant's projected cost of service for the test year including, as appropriate,

(A) an allocation of each cost component of the cost of service to major pipeline functions and classification of the functionalized cost components between fixed and variable costs and the basis for such cost classification, and

(B) any other analysis that the applicant deems appropriate,

(v) a description of the derivation of proposed tolls for the test year, including supporting information and calculations, to illustrate the determination of toll differentials for each product type or for any charge for any special service provided by the applicant.

(ee) Details, by quarter, of throughput and projected throughput volumes by hauls as specified in tariffs published by the applicant including length of haul for each product type and class or type of service for the base year and test year, together with full explanations of adjustments.

(ff) All other information necessary to provide a comprehensive description of the applicant's proposed tariffs and tolls including details of the following, where applicable:

(i) tracking or automatic rate adjustment provisions,

(ii) payment guarantee provisions,

(iii) special treatment for market areas or end users,

(iv) priority of service,

(v) competitive factors,

(vi) promotional aspects, and

(vii) conservation aspects.

(gg) A comparative schedule of projected revenues for the test year and each class or type of service with details of related physical quantities

(i) under existing tariffs and tolls, and

(ii) under proposed tariffs and tolls.

Undivided Interest

(hh) Where the applicant is a pipeline company whose assets are owned in undivided interest, in lieu of paragraphs (h), (m), (n), (o), (p), (q), (r) and (s), the applicant shall submit a proposed deemed capital structure and costs of the deemed components thereof.

PART V

Unless the Board Otherwise Directs, Information Required to be Filed by a Gas Pipeline Company applying for an Order Fixing Tolls or Tariffs under Part IV of the Act.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (4), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) In this Part,

"adjustments" includes

- (a) adjustments to the base year data to delete abnormal or non-recurring items, or to annualize the effect of new recurring events for which data is available for only part of the year,
- (b) normalization adjustments to reflect changes in revenues or costs that are known and measurable and will become effective within the test year,
- (c) forecast differences between the test year amount for a cost component and the actual base year amount for that component, and
- (d) adjustments to reflect rulings of the Board in previous orders under Part IV of the Act that are applicable to the company; (redressements)

"base year" means a period of twelve consecutive months of most recently available actual experience ending on the last day of a calendar year quarter; (année de base)

"booked amounts" means the amounts recorded in the appropriate account under the Gas Pipeline Uniform Accounting Regulations; (montants comptables)

"plant" and "other plant" have the same meanings as in the Gas Pipeline Uniform Accounting Regulations; (installation and autre installation)

"test year" means a period of twelve consecutive months that is representative of the period when the new rates would probably be in effect. (année d'essai)

(4) The following information shall be provided by a gas pipeline company applying for an order fixing tolls or tariffs under Part IV of the Act:

Cost of Service (Including Return)

(a) A summary of the applicant's total cost of service showing the booked amounts for the base year, total adjustments and the projected test year amounts for the following cost components:

- (i) cost of gas sold,
- (ii) gathering costs,
- (iii) transmission by others,
- (iv) operating and maintenance,
- (v) depreciation and amortization of plant,
- (vi) taxes other than income taxes,
- (vii) other utility income,
- (viii) other utility expenses including amortization of deferred items,
- (ix) income taxes,
- (x) miscellaneous operating revenues,
- (xi) return on rate base, and
- (xii) other relevant cost components.

(b) An analysis of each cost component of the cost of service showing, by principal elements, the total booked amounts for the base year, details and explanations of adjustments to the booked amounts and the project test year amounts.

(c) Supporting schedules showing the booked amounts in each account in each month in the base year and, where feasible, similar supporting schedules for the other cost components, for each of the following cost components:

- (i) operating and maintenance,
- (ii) depreciation and amortization, and
- (iii) income taxes.

Rate Base

(d) A summary of the applicant's proposed rate base showing the booked amounts at the end of the base year, total adjustments and the projected test year average amounts for the following rate base items:

Plant

- (i) gas plant in service (account 100),
- (ii) gas plant leased to others (account 101),
- (iii) gas plant held for future use (account 102),
- (iv) retirement work in progress (account 103),
- (v) accumulated depreciation - gas plant (account 105),
- (vi) accumulated amortization - gas plant (account 106),
- (vii) improvements to facilities leased from others (account 107),
- (viii) gas plant under construction (account 115),
- (ix) contributions and grants in aid of construction (account 211),
- (x) other relevant plant components;

Working Capital

- (xi) cash,
- (xii) special deposits (account 131),
- (xiii) plant materials and operating supplies (account 150),
- (xiv) gas stored underground (account 152),
- (xv) transmission line pack gas (account 153),
- (xvi) prepayments (account 160),
- (xvii) other relevant working capital components;

Other Rate Base Items

- (xviii) deferred charges, and
- (xix) miscellaneous.

(e) Supporting schedules for each rate base item, excluding cash working capital, showing the balance in each account at the end of each month in the base year, details and explanations of adjustments to the booked amounts and the projected test year average amounts, with the adjustments representing proposed additions or deletions to plant or to plant materials and operating supplies supported by sufficient data to reasonably demonstrate that the inclusion thereof in the rate base is justified.

(f) A statement providing full details of the calculation of cash working capital for the test year and

(i) a cash time-lag analysis for the base year showing, for both revenues and principal operating expenses, the number of days of time-lag between the provisions of services and the payment therefor, or

(ii) any other analysis providing substantive support for the cash working capital requirement.

(g) Details of

(i) any amounts booked in each plant account at the end of the base year for construction projects which had not been authorized by the Board at that time, and

(ii) construction work in progress at the end of the base year, by amount expended and Board authority.

Financial Statements

(h) Balance sheets as of the beginning and end of the base year and projected balance sheets as of the beginning and end of the test year, setting out the booked amounts and the projected amounts respectively for the accounts listed in Schedule I to the Gas Pipeline Uniform Accounting Regulations.

(i) Where the applicant is proposing a consolidated capital structure for the purpose of determining the overall rate of return requested, projected consolidated balance sheets as of the beginning and end of the test year.

(j) Statements of income, retained earnings and operating revenues for the base year and the test year, setting out the booked amounts and the projected amounts respectively for the accounts listed in Schedules II, III and V to the Gas Pipeline Uniform Accounting Regulations.

(k) A projected statement of changes in financial position for the test year.

(l) Copies of the applicant's annual reports to shareholders for the latest fiscal year and, where the applicant is controlled by an affiliated company, the annual reports to shareholders of that affiliated company for its latest fiscal year.

Rate of Return

(m) A summary, for the test year, showing the applicant's projected average outstanding common equity and requested rate of return thereon, projected average outstanding balance and related projected weighted average cost for each other class of capital, and requested overall rate of return.

(n) An analysis of the weighted average cost of debt capital projected to be outstanding during the test year showing the projected cost of each debt issue, including borrowings from financial institutions and a supporting schedule containing the following information for each debt issue:

- (i) title,
- (ii) date of issuance and date of maturity,
- (iii) nominal interest rate,
- (iv) principal amount of issue,
- (v) net proceeds,
- (vi) dates and amounts of sinking fund and interest payments,
- (vii) method of amortization of debt discount, premium and expense,
- (viii) projected gains or losses in the test year on repurchase or redemption,
- (ix) projected gains or losses in the test year due to fluctuations in exchange rates,
- (x) a concise description of any provisions restricting future financing, capital structures, interest coverages or dividends,
- (xi) a concise description of any convertibility feature, and
- (xii) any other information necessary to provide a comprehensive description of the issue.

(o) An analysis of the weighted average cost of preferred share capital projected to be outstanding during the test year showing the projected cost of each issue and a supporting schedule containing the following information for each issue:

- (i) title,
- (ii) date of issuance,
- (iii) dividend rate,
- (iv) number of shares issued,
- (v) par or stated value of issue,
- (vi) net proceeds,
- (vii) a general description of the use of the net proceeds,
- (viii) method of amortization of capital stock expense,

(ix) projected gains or losses in the test year on repurchase or redemption,

(x) full description of any convertibility feature, and

(xi) any other information necessary to provide a comprehensive description of the issue.

(p) A detailed calculation of the average dollar amount of common equity projected to be outstanding during the test year.

(q) A schedule in tabular form providing the following information for each public issue of common stock in the last five fiscal years:

(i) date of issuance,

(ii) number of shares issued,

(iii) gross proceeds,

(iv) net proceeds,

(v) amount and method of amortization of capital stock expense,

(vi) a general description of the use of the net proceeds, and

(vii) a copy of the prospectus for the issue, if not previously filed with the Board.

(r) A schedule in tabular form providing the following information with respect to common equity for each of the last five fiscal years:

(i) average number of shares outstanding,

(ii) average book value per share,

(iii) annual earnings per share,

(iv) annual dividend per share,

(v) dividends as a per cent of earnings,

(vi) average market price,

(vii) market-to-book ratio,

(viii) earnings-price ratio,

(ix) dividend-price ratio,

(x) rate of return on average common equity,

(xi) times interest earned indicating the method of calculation, and

(xii) average per cent of debt, preferred equity and common equity.

(s) If a significant part of the applicant's capital is obtained from an affiliated company as defined in the Gas Pipeline Uniform Accounting Regulations, information with respect to the debt capital, preferred stock and common stock capital of that affiliated company, and

(i) copies of the latest prospectuses issued by the applicant and the affiliated company, and

(ii) a chart showing the relationship between the applicant and the affiliated company in terms of stock ownership and financial obligations.

Rates, Tolls and Tariffs

(t) A concise description of the applicant's pipeline system and operations including a system map.

(u) A summary of the quantities of gas under purchase contract to the applicant for the test year grouped by province or territory, and producing area.

(v) A summary of the quantities of gas under sales and transportation contracts entered into by the applicant for the test year.

(w) A summary of all agreements entered into by the applicant pertaining to gas transported by the applicant, including storage agreements, exchange agreements, delivery pressure agreements and processing agreements, both in and outside Canada.

(x) The requested tariff revisions together with comparative schedules showing proposed changes to existing rates, tolls and tariffs, and copies of existing tariffs where deemed appropriate.

(y) Details of the applicant's proposed rate design with explanations of any changes in the rate design from that previously approved by the Board, including:

(i) a brief description of the classes or types of service offered,

(ii) rate zones or rate areas, illustrated by map,

(iii) allocation of the applicant's test year cost of service to zones, customers, and classes or types of service including export sales and miscellaneous sales, and the calculations involved in the derivation of proposed rates for the test year,

(iv) details of cost allocation units employed in deriving the proposed rates for the test year, and

(v) an analysis of the applicant's projected cost of service for the test year including

(A) an allocation of each cost component of the cost of service to major pipeline functions and a classification of the functionalized cost components between fixed and variable costs and the basis for such cost classification, and

(B) any other analysis that the applicant deems appropriate.

(z) Details of throughput and projected throughput, for each customer and class or type of service including export sales and miscellaneous sales, for the base year and test year, together with full explanations of adjustments, and including

(i) distances and volumes for individual receipt and delivery points,

(ii) tendered or demand volumes for individual receipt points or delivery areas, and

(iii) average monthly heating values of volumes as measured or calculated at receipt and delivery points, and the basis of the calorific measurements.

(aa) All other information necessary to provide a comprehensive description of the applicant's proposed tariffs and tolls including details of the following, where applicable

(i) tracking or automatic rate adjustment provisions,

(ii) payment guarantee provisions,

(iii) special treatment for market areas or end users,

(iv) priority of service,

(v) competitive factors,

(vi) promotional aspects, and

(vii) conservation aspects.

(bb) A comparative schedule of projected revenues for the test year for each class or type of service including export sales and miscellaneous sales, with details of related physical quantities

(i) under existing tariffs and tolls, and

(ii) under proposed tariffs and tolls.

PART VI

Unless the Board Otherwise Directs, Environmental Information Required to be Filed by an Applicant for Authorization to Construct and Operate Pipelines Pursuant to Part III of the Act

- (1) Any request for relief from the requirement of filing any of the information referred to in subsections (4) and (5) shall be accompanied by reasons for requesting such relief.
- (2) The level of detail of the information provided pursuant to subsections (4) and (5) shall correspond to the nature and magnitude of the anticipated environmental impact of the proposed project.
- (3) In complying with the requirements set out in subsections (4) and (5) the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.
- (4) For applications pursuant to Section 49 of the Act, the information set out in paragraphs 5(c), 5(d) and 5(e) shall be provided.
- (5) For applications pursuant to Section 44 of the Act, the following information shall be provided:

Project Description

- (a) A brief description of the project and its construction schedule, including a summary of those aspects of the project which could reasonably be expected to affect the biophysical environment, land use and natural resource use.

General Route and/or Facility Site Selection Process

- (b) Information on the general route and/or facility site selection process, including:
 - (i) a map(s) at an appropriate scale(s) (eg. 1:250,000) upon which are depicted:
 - (A) the study area or selected corridor;
 - (B) any alternative routes studied;
 - (C) the areas of physical and environmental constraint (biophysical and land use or natural resource use) which limit pipeline route or facility site location;
 - (D) the proposed general route; and

(E) approximate locations of all proposed ancillary facilities such as compressor, pump and meter stations, production platforms, and storage facilities;

(ii) a general description of the environmental, land-use and other criteria used for the identification of the proposed, and any alternative, general routes and major facility locations; and

(iii) a justification for the selection of the proposed general route and locations for facilities.

Environmental Description

(c) A description of the environment as it exists prior to the commencement of construction work and which may be affected by the project. That description should include:

(i) maps at an appropriate scale (eg. 1:50,000) upon which are depicted accurately and in sufficient detail those significant environmental concerns which may influence or be influenced by the construction, operation, and maintenance of the project; and

(ii) a narrative description of the existing environment in sufficient detail to permit the identification of environmental impacts which are expected to be caused by the project.

Environmental Impact Assessment

(d) An assessment of the probable short and long-term impacts of the proposed project upon the biophysical environment, and the present land and natural resource use, and an assessment of any major environmental issues requiring individual identification and attention. Such assessment should consider, but not be limited to, the relevant parts of the following:

(i) with respect to the physical environment:

(A) the bedrock, types of unconsolidated deposits and landforms;

(B) permafrost conditions;

(C) areas of ground instability such as landslides, mudflows, slumping, avalanches, potential subsidence, fault zones and earthquakes;

(D) hydrological features such as channelled and unchannelled surface water flow, groundwater movement and aquifer recharge zones, flood zones and water quality;

- (E) areas susceptible to wind or water erosion;
- (F) ambient air quality and noise levels; and
- (G) areas of high fire potential.

(ii) with respect to the biotic environment:

(A) for fish species of ecological, economic or human importance:

- (I) the migratory patterns and routes;
- (II) important habitat areas, including spawning, nursery, feeding and over-wintering areas; and
- (III) management or other protected areas;

(B) for terrestrial wildlife of ecological, economic or human importance:

- (I) the seasonal range or habitat use, movements, and population status;
- (II) significant habitats such as calving and rearing areas, nesting sites, migratory bird staging areas and migration stops, and special locations such as mineral licks;
- (III) wildlife management areas and established or proposed sanctuaries or other wildlife areas; and
- (IV) habitats of any rare or endangered wildlife.

(C) plant and forest communities, including any rare or unique species or species assemblages;

(iii) with respect to existing and proposed land and natural resource use on, or in the vicinity of the right-of-way:

- (A) rural and urban residential areas;
- (B) Indian reserves and lands reserved for the use of Canada's native people;
- (C) agricultural areas, including sugar bushes, sod farms, tree nurseries, orchards and vineyards;
- (D) recreation areas;
- (E) provincial parks and lands under Parks Canada's jurisdiction;
- (F) industrial and commercial areas;
- (G) conservation areas;

- (H) International Biological Program Sites or other ecological reserves or preserves;
 - (I) known or predicted palaeontological, archaeological and historical sites or areas;
 - (J) controlled or managed forest areas, including agreement forests, timber sales areas and seed orchards;
 - (K) registered or recognized hunting, trapping or guiding areas;
 - (L) commercial, native and sport fishing areas;
 - (M) recognized scenic areas;
 - (N) water reserves and licences;
 - (O) water supply sources or intakes for private dwellings and farmsteads, as well as for agricultural, industrial and municipal users that may be affected by the proposed pipeline;
 - (P) transportation infrastructure; and
 - (Q) navigable waters;
- (iv) the official land status, soil types and Canada Land Inventory capability classes of agricultural lands; and
- (v) with respect to offshore pipelines, a description of the special environmental concerns associated with their routing, design, construction and operation such as:
- (A) the important physical parameters of marine waters and of coastal and offshore features, with particular reference to:
 - (I) tides, currents, bottom contours, sediment movement, wave action and shoreline characteristics; and
 - (II) ice conditions, including shore-fast ice, ice cover, ice movement and bottom scour;
 - (B) the biotic resources, communities and habitats, including species of marine fish, birds, mammals and plants of economic and ecological importance, sensitive aspects of their life cycles, and their populations and distribution with respect to the proposed pipeline; and
 - (C) the uses made of areas (e.g. fishing, shipping, anchorage) crossed by the pipeline.

Environmental Mitigation and Restoration Information

- (e) A description of the general and/or specific procedures to be used to avoid, prevent or mitigate the probable impacts set out in paragraph (d), and to restore any adversely affected sites, including:

(i) those general environmental protection procedures, with any alternatives, which the applicant intends to use on a project such as, but not limited to:

(A) avoidance procedures such as construction scheduling which would be used to avoid biologically sensitive periods of the year;

(B) standard mitigative procedures which would be implemented during construction; and

(C) standard restorative procedures to be used on adversely affected sites.

The details of those procedures may be provided in the application, or in an environmental procedures manual, or by reference to some other document previously submitted to the Board;

(ii) the specific environmental protection procedures for the resolution of any environmental issues which require individual identification and attention;

(iii) for onshore pipelines, a description of the condition to which the applicant intends to restore and maintain the right-of-way, once construction has been completed; and

(iv) for offshore pipelines, a description of the anticipated condition of the seabed following construction.

Environmental Commitments

(f) Where environmental information and recommendations have been provided to the applicant by a consultant and used in the application, a statement by the applicant with respect to the acceptance of and intended adherence to those recommendations.

(g) A description of the applicant's program for the environmental education of appropriate personnel to ensure they are aware of their role in the protection of the environment.

Contingency Plans

(h) With respect to the preparation of contingency plans:

(i) a general description of any environmentally hazardous materials to be used during the construction and operation of the pipeline;

(ii) a general assessment of the probable effects upon humans, animals and the environment of any accidental release of such substances; and

(iii) the general procedures to be used in their handling, storage, use, disposal, or the clean-up of any accidental release of such substances, including procedures for notifying the appropriate agencies or emergency response organizations.

Environmental Inspection

(i) A description of the applicant's:

- (i) policy and procedures for the implementation of environmental inspection during construction and operation of the pipeline; and
- (ii) on-site inspection procedures and staff responsibilities.

Environmental Monitoring and Issue Resolution

(j) A description of the general program to monitor the status of environmental issues during the construction and restoration phases of the project:

- (i) to assess the success of mitigative and restorative procedures; and
- (ii) to determine that each environmental issue has been resolved.

References and Additional Studies

(k) A list of those references used in support of the environmental impact assessment.

(l) A description of the applicant's plans to carry out additional environmental and siting studies following certification to identify specific environmental impacts and protection procedures not determined at the time of certification.

(m) A list of those agencies or organizations contacted to discuss environmental matters related to project development, together with a brief outline of the topics discussed.

PART VII

Unless the Board Otherwise Directs, Information Required to be Filed by an Applicant for an Order Pursuant to Section 49 of the Act, in Respect of a Gas Pipeline.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (3), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) For applications pursuant to Section 49 of the Act, in respect of a gas pipeline, the following information shall be provided:

(a) For each unrelated project not specifically addressed in paragraphs (c) through (i), and for which, except for items of General Plant, the estimated expenditure is less than \$500,000 or such other limit as the Board may direct, the title, location, justification, and the estimated project cost.

(b) For each project not covered by paragraph (a):

(i) the title, location, and a technical description, which may include plan layouts and preliminary drawings;

(ii) the purpose and justification;

(iii) a construction schedule;

(iv) a list of the applicable regulations, standards, codes, and specifications to be used indicating the date of issue;

(v) a description of any new or modified building;

(vi) purchase or sales agreements related to additional throughput;

(vii) the estimated project cost; and

(viii) for projects over \$500,000 or such other limit as the Board may direct, an estimate of the capital costs classified in accordance with the following categories:

(A) pipelines,

(B) compression,

(C) metering and regulating,

(D) other facilities,

(E) engineering,

(F) allowance for funds used during construction including rates used, and

(G) overhead capitalized;

showing separately a breakdown of the main elements of costs such as materials, installation, and land and land rights.

(c) Where the proposed facilities involve a length of line pipe:

(i) estimates of length of the line of pipe for each diameter and wall thickness based on:

(A) the present land use along the route, and

(B) expected future development along the route;

(ii) except for replacement of existing line pipe, the design capacity, maximum operating pressure, and flow calculations for the design flow conditions; and

(iii) a description of the pipeline materials and a description of the protective coatings considered.

(d) In addition to the requirements of paragraph (c), where the proposed facilities include line pipe replacement or upgrading:

(i) a description of the mechanical properties and condition of the existing pipe;

(ii) the results of any programs, surveys, or studies, which indicate the present condition of the pipe; and

(iii) the future plans for the redundant pipe.

(e) Where the proposed facilities include additional compression facilities:

(i) the assumptions used with regard to:

(A) the type, nominal ISO power, and available power of the prime mover at the proposed location,

(B) the type of compressor and its required power, and

(C) fuel consumption, compression efficiency, inlet and discharge pressures and temperatures, and station yard piping losses used in the flow calculations; and

(ii) flow calculations or diagrams under design flow conditions for the portion of the pipeline where the capacity is affected by the proposed compression facilities.

(f) Where the proposed facilities include pressure regulating facilities:

- (i) the maximum daily throughput; and
- (ii) the maximum inlet and outlet pressures.

(g) Where the proposed facilities include additional measurement facilities:

- (i) the size, type, nominal capacity range, and expected accuracy of all gas measurement equipment; and
- (ii) the minimum and maximum gas delivery pressures and hourly volumes, and the average annual volumes forecast over the design period.

(h) Where the proposed facilities include provision for additions or modifications affecting system capacity or efficiency of LNG, gas processing, or sulphur plants:

- (i) the effect of the proposed facilities on plant operation; and
- (ii) calculations showing potential improvements in system capacity or efficiency.

(i) Where the proposed facilities include gas storage facilities:

- (i) a description of the interconnections with existing facilities;
- (ii) the storage capacity, system capacity, and the calculations supporting the design; and
- (iii) the projected peak day, seasonal, and annual demand.

(j) Details of the applicant's procurement policies, if not already on file with the Board, and the estimated Canadian content for projects over \$5,000,000 for each main element of cost such as pipe, compression equipment, valves and fittings, installation and engineering, calculated in accordance with National Standards of Canada, CAN2-147.3-82, Definition of Canadian Content.

(k) With respect to the total estimated application cost, the method of financing.

PART VIII

Unless the Board Otherwise Directs, Information Required to be Filed by an Applicant for an Order Pursuant to Section 49 of the Act, in Respect of an Oil Pipeline.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (3), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) For applications pursuant to Section 49 of the Act, in respect of an oil pipeline, the following information shall be provided:

(a) For each unrelated project not specifically addressed in paragraphs (c) through (g), and for which, except for items of General Plant, the estimated expenditure is less than \$500,000 or such other limit as the Board may direct; the title, location, justification, and the estimated project cost.

(b) For each project not covered by paragraph (a):

(i) the title, location, and a technical description, which may include plan layouts and preliminary drawings;

(ii) the purpose and justification;

(iii) a list of the applicable regulations, standards, codes, and specifications to be used indicating the date of issue;

(iv) a construction schedule;

(v) a description of any new or modified building;

(vi) where additional throughput is involved for projects:

(A) copies of all relevant throughput contracts and deficiency agreements,

(B) the sources and the estimated throughputs to each market outlet;

(vii) the estimated project cost; and

(viii) for projects over \$500,000 or such other limit as the Board may direct, an estimate of capital costs classified in accordance with the following categories:

(A) pipelines,

- (B) pumping stations,
- (C) tankage,
- (D) metering stations,
- (E) other facilities,
- (F) engineering,
- (G) allowance for funds used during construction including rates used, and
- (H) overhead capitalized;

showing separately a breakdown of the main elements of costs, such as materials, installation, and land and land rights.

(c) Where the proposed facilities involve line pipe:

(i) the length and location of pipe for each diameter and wall thickness, including, when high vapour pressure pipeline systems are involved, a description of:

(A) the present land use along the route, and

(B) expected future development along the route;

(ii) except for replacement of existing line pipe, the design capacity, maximum operating pressure, and flow calculations for the design flow conditions; and

(iii) a description of the pipeline materials and a description of the protective coatings considered.

(d) In addition to the requirements of paragraph (c), where the proposed facilities include line pipe replacement or upgrading:

(i) a description of the mechanical properties and condition of the existing pipe;

(ii) the results of any programs, surveys, or studies, which indicate the present condition of the pipe; and

(iii) the future plans for the redundant pipe.

(e) Where the proposed facilities include additional pumping facilities, the assumptions with regard to:

(i) the type and power (in kilowatts) of the prime mover;

(ii) the source and availability of fuel or power for the prime mover;

(iii) the type and size of pump;

(iv) fuel or power consumption, and pump efficiency used in flow calculations; and

(v) flow calculations for the design conditions for the portion of the pipeline where the capacity is affected by the proposed pumping facilities.

(f) In addition to the requirements of paragraph (b), where the proposed facilities include measurement facilities:

(i) a preliminary description of the oil measurement equipment indicating the size, number of meters, nominal capacity range, and expected accuracy; and

(ii) the flow rates assumed for preliminary design purposes.

(g) Where the proposed facilities include oil storage tanks:

(i) the physical dimensions and capacity of the tanks and dikes; and

(ii) drawings showing:

(A) tank design and piping arrangements, and

(B) the proposed locations of the storage tanks, fences, and roads; and

(iii) a topographical map of the area.

(h) Details of the applicant's procurement policies, if not already on file with the Board, and the estimated Canadian content for projects over \$5,000,000 for each main element of cost such as pipe, pumping equipment, valves and fittings, installation, and engineering, calculated in accordance with National Standards of Canada, CAN2-147.3-82, Definition of Canadian Content.

(i) With respect to the total estimated application cost, the method of financing.

PART IX

Unless the Board Otherwise Directs, Information Required in Respect of New Land and Land Rights Required to be Filed by an Applicant for a Certificate or an Order Pursuant to Sections 44 and 49 of the Act.

(1) Any request for relief from the requirement of filing any of the information referred to in this Part shall be accompanied by reasons for requesting such relief.

(2) In complying with the requirements set out in subsection (3), the applicant may, with leave of the Board, refer to existing information, to information previously filed with the Board or use information submitted to other agencies or governments.

(3) For applications pursuant to Sections 44 or 49 of the Act in respect of an oil or gas pipeline, the following information in respect of new land and land rights shall be filed:

(a) With respect to the location of new land and land rights for line pipe and any included related facilities:

(i) the description of the location of the termini of the proposed project; and

(ii) the names of authorities and organizations contacted to ascertain route feasibility, in a statement, along with any supporting maps, setting out the constraints or approvals noted by those federal, provincial and municipal authorities, and by any other appropriate organizations.

(b) With respect to the location of land or land rights for facilities other than line pipe to be added to existing systems:

(i) the description of the location and purpose of the proposed site;

(ii) the site plan of the proposed facility showing;

(A) the dimensions of the proposed site, including the location of the company's existing easement, and

(B) the tentative layout of the required facilities within the site;

(iii) the present zoning of the preferred site and the zoning and current land use of the immediately adjacent properties;

(iv) a statement with respect to the position of the responsible agencies or regulatory authorities for;

(A) the facility location, and

(B) the site plan, including access roads; and

(v) a statement indicating the status of any applications before other responsible agencies or regulatory authorities for any interconnecting gathering or distribution facilities, where the construction of the proposed facility is dependent upon the approval of those gathering or distribution facilities.

